

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**484/21**

**CA 20-01211**

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND LINDLEY, JJ.

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PASQUALINO VIRGONE AND ANNA VIRGONE,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

MASTERCRAFT MASONRY I, INC., ROBERTSON  
STRONG APGAR ARCHITECTS, P.C.,  
DEFENDANTS-APPELLANTS-RESPONDENTS,  
BOYCE EXCAVATING, CO. INC., DEFENDANT-RESPONDENT,  
WILLIAM MANFREDI CONSTRUCTION CORP.,  
DEFENDANT-RESPONDENT-APPELLANT,  
ET AL., DEFENDANTS.

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ROSENBAUM & TAYLOR, P.C., WHITE PLAINS (SCOTT P. TAYLOR OF COUNSEL),  
FOR DEFENDANT-APPELLANT-RESPONDENT MASTERCRAFT MASONRY I, INC.

BYRNE & O'NEILL, LLP, NEW YORK CITY (MICHAEL J. BYRNE OF COUNSEL), FOR  
DEFENDANT-APPELLANT-RESPONDENT ROBERTSON STRONG APGAR ARCHITECTS, P.C.

HURWITZ & FINE, P.C., BUFFALO (TIMOTHY P. WELCH OF COUNSEL), FOR  
DEFENDANT-RESPONDENT-APPELLANT.

SACKS & SACKS, LLP, NEW YORK CITY (DANIEL WEIR OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

HANNUM FERETIC PRENDERGAST & MERLINO LLC, NEW YORK CITY (MATTHEW  
ZIZZAMIA OF COUNSEL), FOR DEFENDANT-RESPONDENT BOYCE EXCAVATING CO.  
INC.

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Appeals and cross appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), dated March 16, 2020. The order, among other things, denied the summary judgment motions of defendants Mastercraft Masonry I, Inc., Robertson Strong Apgar Architects, P.C. and William Manfredi Construction Corp.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties, and filed in the Onondaga County Clerk's Office on May 14, 2021,

It is hereby ORDERED that said appeals and cross appeal are unanimously dismissed without costs upon stipulation.

Entered: April 22, 2022

Ann Dillon Flynn  
Clerk of the Court