

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

1065/20

CA 19-01805

PRESENT: PERADOTTO, J.P., NEMOYER, WINSLOW, AND BANNISTER, JJ.

---

VILLAGER CONSTRUCTION, INC., AND AMERICAN  
ALTERNATIVE INSURANCE CORPORATION,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

ERIE INSURANCE COMPANY, DEFENDANT-APPELLANT.

---

HURWITZ & FINE, P.C., BUFFALO (MICHAEL F. PERLEY OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

NICOLETTI SPINNER RYAN GULINO PINTER LLP, NEW YORK CITY (EDWARD S.  
BENSON OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

---

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (William K. Taylor, J.), entered September 20, 2019. The order and judgment, among other things, denied defendant's motion for summary judgment and granted plaintiffs' motion for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 4, 2022,

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

Entered: August 4, 2022

Ann Dillon Flynn  
Clerk of the Court