

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

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CA 21-01753

PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND BANNISTER, JJ.

ERIE INSURANCE COMPANY, AN ASSIGNEE OF
MICHAEL DEL VECCHIO REMODELING, INC.,
PLAINTIFF-RESPONDENT,

V

ORDER

WALSH DUFFIELD COMPANIES, INC., AS SUCCESSOR BY
MERGER WITH DON ALLEN AGENCY, INC., DEFENDANT,
DON ALLEN AGENCY, INC., INDIVIDUALLY, AND MICHAEL
SHAY, INDIVIDUALLY AND IN HIS CAPACITY AS AN
INSURANCE BROKER, DEFENDANTS-APPELLANTS.

GOLDBERG SEGALLA LLP, BUFFALO (JONATHAN SCHAPP OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (MARCO CERCONI OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Craig J. Doran, J.), entered November 10, 2021. The order, among other things, denied the motion of defendants Don Allen Agency, Inc., individually, and Michael Shay, individually and in his capacity as an insurance broker, for summary judgment dismissing the complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on September 8, 2022,

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

Entered: September 30, 2022

Ann Dillon Flynn
Clerk of the Court