

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

1012

CA 22-00010

PRESENT: WHALEN, P.J., SMITH, LINDLEY, BANNISTER, AND MONTOUR, JJ.

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GARDEN VILLAGE APARTMENTS, LLC, WILLIAMSTOWNE  
VILLAGE, LLC, AND VILLAGES AT FAIRWAYS, LLC,  
PLAINTIFFS-APPELLANTS,

V

ORDER

CSC SERVICEWORKS, INC., DEFENDANT-RESPONDENT.

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DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP, BUFFALO (CHRISTOPHER M.  
BERLOTH OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

BARCLAY DAMON LLP, BUFFALO (JAMES P. MILBRAND OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 27, 2021. The order granted the motion of defendant to dismiss the complaint and dismissed the complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on December 1, 2022,

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

Entered: December 23, 2022

Ann Dillon Flynn  
Clerk of the Court