

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

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CA 22-00703

PRESENT: PERADOTTO, J.P., LINDLEY, BANNISTER, MONTOUR, AND OGDEN, JJ.

CARLOS RAMIREZ-HERNANDEZ, PLAINTIFF-RESPONDENT,

V

ORDER

ANDREW C. BLOOMINGDALE, ET AL., DEFENDANTS,
AND MAVIS TIRE SUPPLY, LLC, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (THOMAS P. KAWALEC OF
COUNSEL), FOR DEFENDANT-APPELLANT.

ANDRUSCHAT LAW FIRM, BUFFALO (TIMOTHY J. ANDRUSCHAT OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John B. Licata, J.), entered March 16, 2022. The order denied the motion of defendant Mavis Tire Supply, LLC seeking leave to serve a demand for a jury trial.

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: February 3, 2023

Ann Dillon Flynn

Clerk of the Court