

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

632/22

CA 21-01650

PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND WINSLOW, JJ.

MASSA CONSTRUCTION, INC., PLAINTIFF-APPELLANT,

V

ORDER

JAMES MEANEY, ALSO KNOWN AS THE GENEVA BELIEVER,
DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

BARCLAY DAMON LLP, ROCHESTER (MARK T. WHITFORD, JR., OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

GREENBERG TRAUIG, LLP, ALBANY (MICHAEL J. GRYGIEL OF COUNSEL), AND
CORNELL LAW SCHOOL FIRST AMENDMENT CLINIC, ITHACA (CHRISTINA N.
NEITZEY OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Ontario County (Brian D. Dennis, A.J.), entered November 1, 2021. The order awarded counsel fees in favor of defendant in the total amount of \$46,253.00.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on January 6 and 19, 2023,

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