

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

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CA 22-00493

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

CAROL MECCA, AS EXECUTOR OF THE ESTATE OF
ROSEMARY MECCA, DECEASED, PLAINTIFF-RESPONDENT,

V

ORDER

ALTERNATIVE LIVING SERVICES-NEW YORK, INC., AND
BROOKDALE WILLIAMSVILLE, DEFENDANTS-APPELLANTS.
(APPEAL NO. 1.)

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (MEGHANN N. ROEHL OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

BROWN CHIARI, LLP, BUFFALO (JESSE A. DRUMM OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick
J. Marshall, J.), entered March 28, 2022. The order, among other
things, denied in part the motion of defendants for summary judgment.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on April 24, 2023,

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

Entered: May 5, 2023

Ann Dillon Flynn
Clerk of the Court