

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

853

CA 23-00197

PRESENT: WHALEN, P.J., LINDLEY, MONTOUR, GREENWOOD, AND NOWAK, JJ.

905 ACKERMAN AVENUE, LLC, PLAINTIFF-RESPONDENT,

V

ORDER

STATE FARM FIRE AND CASUALTY COMPANY,
DEFENDANT-APPELLANT,
AND EMPOWER FEDERAL CREDIT UNION, DEFENDANT.

HURWITZ FINE, P.C., BUFFALO (SCOTT D. STORM OF COUNSEL), FOR
DEFENDANT-APPELLANT.

LYNN LAW FIRM, LLP, SYRACUSE (MARTIN A. LYNN OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (ALEXANDRA L. CONDON OF
COUNSEL), FOR DEFENDANT.

Appeal from an order of the Supreme Court, Onondaga County (Scott J. DelConte, J.), entered January 13, 2023. The order, among other things, denied defendant State Farm Fire and Casualty Company's motion seeking, inter alia, summary judgment.

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

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

Entered: November 17, 2023

Ann Dillon Flynn
Clerk of the Court