

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

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**CA 23-01368**

PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, GREENWOOD, AND NOWAK, JJ.

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RICARDO V. HAMMOND, JR., PLAINTIFF-RESPONDENT,

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ORDER

FLUVANNA ENTERPRISES, LLC, DEFENDANT-RESPONDENT,  
AND PAINTING UNLIMITED OF JAMESTOWN, INC.,  
DEFENDANT-APPELLANT.

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RUPP PFALZGRAF LLC, ROCHESTER (KEVIN J. FEDERATION OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

FESSENDEN LAUMER & DEANGELO, PLLC, JAMESTOWN (MARY B. SCHILLER OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

LAW OFFICES OF JOHN WALLACE, HARTFORD, CONNECTICUT (JORDYN M. PHILLIPS  
OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Chautauqua County  
(Stephen W. Cass, A.J.), entered August 8, 2023. The order denied in  
part the motion of defendant Painting Unlimited of Jamestown, Inc.,  
for summary judgment.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on December 21, 2023,

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

Entered: March 15, 2024

Ann Dillon Flynn  
Clerk of the Court