

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

1157

CA 18-00888

PRESENT: CARNI, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

IRENE Y. MELSON AND COCKTAILS & MORE, LLC,
PLAINTIFFS-RESPONDENTS,

V

ORDER

NIAGARA MOHAWK POWER CORPORATION, DOING BUSINESS
AS NATIONAL GRID, DEFENDANT-APPELLANT,
GIOVANNI BRIATICO, INDIVIDUALLY, AND GIOVANNI
BRIATICO, DOING BUSINESS AS COMMUNITY ELECTRIC,
DEFENDANTS.

GIOVANNI BRIATICO, INDIVIDUALLY, AND GIOVANNI
BRIATICO, DOING BUSINESS AS COMMUNITY ELECTRIC,
THIRD-PARTY PLAINTIFFS,

V

LARRONE B. WILLIAMS,
THIRD-PARTY DEFENDANT-RESPONDENT.

BARCLAY DAMON LLP, BUFFALO (KARIM A. ABDULLA OF COUNSEL), FOR
DEFENDANT-APPELLANT.

LAW OFFICE OF S.D. RITCHIE, II, KAMUELA, HAWAII (STAFFORD D. RITCHIE,
II, OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS AND THIRD-PARTY DEFENDANT-
RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered August 29, 2017. The order, among other things, denied in part the motion of defendant Niagara Mohawk Power Corporation, doing business as National Grid, for summary judgment dismissing plaintiffs' complaint and all cross claims against it.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on October 4 and 10, 2018,

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

Entered: November 9, 2018

Mark W. Bennett
Clerk of the Court