

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

**583/20**

**CA 19-01555**

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, CURRAN, AND WINSLOW, JJ.

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MARGARITA ALDACO, AS ADMINISTRATOR OF THE ESTATE  
OF JESSICA ARTICA, DECEASED, PLAINTIFF-RESPONDENT,

V

ORDER

JOHN DOE, JOHN J. BUSH AND LYNN-ETTE & SONS, INC.,  
DEFENDANTS-APPELLANTS.

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OSBORN, REED & BURKE, LLP, ROCHESTER (L. DAMIEN COSTANZA OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS.

WILLIAM MATTAR, P.C., WILLIAMSVILLE (MATTHEW J. KAISER OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Orleans County (Tracey A. Bannister, J.), entered May 13, 2019. The order, insofar as appealed from, denied in part the motion of defendants for summary judgment dismissing the complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on September 8 and 9, 2021,

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

Entered: November 19, 2021

Ann Dillon Flynn  
Clerk of the Court