

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

**319/20**

**CA 16-01704**

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, AND CURRAN, JJ.

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WILL FOODS, LLC, PLAINTIFF-RESPONDENT,

V

ORDER

WILL POULTRY CO., INC., NANCY CHRISTODOULIDES,  
AS EXECUTRIX OF THE ESTATE OF DONALD E. WILL,  
DECEASED, DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

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BARCLAY DAMON LLP, BUFFALO (JENNIFER G. FLANNERY OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

WENDY J. CHRISTOPHERSEN, BUFFALO, FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 1, 2016. The order granted the motion of plaintiff for leave to reargue, and upon reargument, granted the motion of plaintiff for summary judgment on the eighth and tenth causes of action in the amended complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on February 4 and 16, 2022,

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

Entered: March 18, 2022

Ann Dillon Flynn  
Clerk of the Court