

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

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CA 22-00088

PRESENT: SMITH, J.P., PERADOTTO, CURRAN, MONTOUR, AND OGDEN, JJ.

F.Y., PLAINTIFF-RESPONDENT,

V

ORDER

NIAGARA FALLS CITY SCHOOL DISTRICT AND NIAGARA
FALLS CITY SCHOOL DISTRICT BOARD OF EDUCATION,
DEFENDANTS-APPELLANTS.

SHAUB, AHMUTY, CITRIN & SPRATT, LLP, LAKE SUCCESS (NICHOLAS TAM OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

WEITZ & LUXENBERG, P.C., NEW YORK CITY (JARED LACERTOSA OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County
(Deborah A. Chimes, J.), entered November 29, 2021. The order,
insofar as appealed from, denied in part the motion of defendants to
dismiss the complaint.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on January 6, 2023,

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

Entered: February 3, 2023

Ann Dillon Flynn
Clerk of the Court