

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

631/22

CA 21-00779

PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND WINSLOW, JJ.

MASSA CONSTRUCTION, INC., PLAINTIFF-APPELLANT,

V

ORDER

JAMES MEANEY, ALSO KNOWN AS THE GENEVA BELIEVER,
DEFENDANT-RESPONDENT.
(APPEAL NO. 1.)

BARCLAY DAMON LLP, ROCHESTER (MARK T. WHITFORD, JR., OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

GREENBERG TRAUIG, LLP, ALBANY (MICHAEL J. GRYGIEL OF COUNSEL), AND
CORNELL LAW SCHOOL FIRST AMENDMENT CLINIC, ITHACA (CHRISTINA N.
NEITZEY OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Ontario County (Brian
D. Dennis, A.J.), entered May 13, 2021. The order, among other
things, granted defendant's motion for summary judgment.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on January 6 and 19, 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