

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

112

CA 22-00909

PRESENT: PERADOTTO, J.P., LINDLEY, BANNISTER, MONTOUR, AND OGDEN, JJ.

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DIANNE VITKUS, PLAINTIFF-RESPONDENT,

V

ORDER

CREEKWALK HOUSING, LLC AND SUTTON REAL ESTATE  
COMPANY, LLC, DEFENDANTS-APPELLANTS.

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RUPP PFALZGRAF LLC, BUFFALO (MATTHEW A. LENHARD OF COUNSEL), FOR  
DEFENDANT-APPELLANT CREEKWALK HOUSING, LLC.

LAW OFFICE OF JOHN WALLACE, BUFFALO (JOHN WALLACE OF COUNSEL), FOR  
DEFENDANT-APPELLANT SUTTON REAL ESTATE COMPANY, LLC.

LYNN LAW FIRM, LLP, SYRACUSE (WALTER F. BENSON OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Onondaga County  
(Gregory R. Gilbert, J.), entered June 6, 2022. The order denied the  
motions of defendants for summary judgment dismissing the complaint.

Now, upon the stipulation of discontinuance signed by the  
attorneys for the parties on April 11, 2023, and filed in the Onondaga  
County Clerk's Office on April 12, 2023,

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

Entered: July 28, 2023

Ann Dillon Flynn  
Clerk of the Court