

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

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CA 23-01829

PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, NOWAK, AND HANNAH, JJ.

EPHRAIM ATWAL AND SANDESH SINGH,
PLAINTIFFS-RESPONDENTS,

V

ORDER

BRIAN SEMKIW, RUI MENDES AND BLAIR BAKER,
DEFENDANTS-APPELLANTS.

BARCLAY DAMON LLP, BUFFALO (NICHOLAS J. DICESARE OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

PHILLIPS LYTLE LLP, BUFFALO (ALAN J. BOZER OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered October 20, 2023. The order, among other things, denied defendants' motion for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on October 18, 2024,

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

Entered: November 15, 2024

Ann Dillon Flynn
Clerk of the Court