

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

**1308**

**CA 14-02056**

PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND WHALEN, JJ.

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GARY CHAMBERLAIN, PLAINTIFF-RESPONDENT,

V

ORDER

MAC TRAILER MANUFACTURING, INC., DEFENDANT,  
MODERN DISPOSAL SERVICE, INC., DEFENDANT-APPELLANT,  
AND CUSTOM CANVAS MFG., CO., INC., DEFENDANT-RESPONDENT.

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MODERN DISPOSAL SERVICE, INC. AND MODERN LANDFILL, INC.,  
THIRD-PARTY PLAINTIFFS-APPELLANTS,

V

CHAMBERLAIN TRUCKING, LLC AND GARY CHAMBERLAIN,  
THIRD-PARTY DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 1.)

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CARTAFALSA, SLATTERY, TURPIN & LEONOFF, BUFFALO (BRIAN P. MINEHAN OF  
COUNSEL), FOR DEFENDANT-APPELLANT AND THIRD-PARTY PLAINTIFFS-  
APPELLANTS.

BROWN CHIARI LLP, LANCASTER (BRADLEY D. MARBLE OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT AND THIRD-PARTY DEFENDANTS-RESPONDENTS.

GIBSON, MCASKILL & CROSBY LLP, BUFFALO (C. CHRISTOPHER BRIDGE OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered September 4, 2014. The order, among other things, denied in part the motion of defendant-third-party plaintiff Modern Disposal Service, Inc. and third-party plaintiff Modern Landfill, Inc. for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 4, 2016,

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

Entered: June 10, 2016

Frances E. Cafarell  
Clerk of the Court