

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

**1264**

**CA 16-00286**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND SCUDDER, JJ.

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WILLIAM ANDRE AND LINDA ANDRE,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

FRED L. SANFILIPO, D.C., AND CHIROPRACTIC  
ORTHOPEDICS & REHABILITATION, LLP,  
DEFENDANTS-APPELLANTS.

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SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (KEVIN E. HULSLANDER  
OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

PHETERSON SPATORICO LLP, ROCHESTER (DERRICK A. SPATORICO OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an amended order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered November 30, 2015. The amended order, inter alia, denied the motion of defendants for summary judgment dismissing the complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on October 31 and November 2, 2016,

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

Entered: December 23, 2016

Frances E. Cafarell  
Clerk of the Court