

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

857

**CA 16-02374**

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

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DAVID BOUCHARD, PLAINTIFF-RESPONDENT,

V

ORDER

PRIORITY CONTRACTING SERVICES, INC.,  
DEFENDANT-APPELLANT,  
PYRAMID MANAGEMENT GROUP, LLC, AND PYRAMID  
WALDEN COMPANY, L.P., DEFENDANTS-RESPONDENTS.

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KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (RICHARD T. SARAF OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

DOLCE PANEPINTO, P.C., BUFFALO (MARC C. PANEPINTO OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

RODGERS LAW FIRM, BUFFALO (MARK C. RODGERS OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered March 30, 2016. The order, insofar as appealed from, granted that part of the motion of plaintiff seeking partial summary judgment pursuant to Labor Law § 240 (1) against defendant Priority Contracting Services, Inc., and granted the motion of defendants Pyramid Management Group, LLC, and Pyramid Walden Company, L.P., for summary judgment on common law indemnification against defendant Priority Contracting Services, Inc.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on March 20 and 21, 2017,

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

Entered: June 9, 2017

Frances E. Cafarell  
Clerk of the Court