

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

367

CA 18-01826

PRESENT: CENTRA, J.P., CARNI, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

RENEE A. WAGGONER TOY AND MICHAEL A. TOY,
PLAINTIFFS-RESPONDENTS,

V

ORDER

THE VALLEY COMMUNITY ASSOCIATION, INC.,
DEFENDANT-APPELLANT,
BUFFALO RIVER FEST PARK, LLC,
ET AL., DEFENDANTS.

GOLDBERG SEGALLA LLP, BUFFALO (CHRISTINA G. HOLDSWORTH OF COUNSEL),
FOR DEFENDANT-APPELLANT.

ANDREWS, BERNSTEIN, MARANTO & NICOTRA, PLLC, BUFFALO (THOMAS P. KOTRYS
OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered March 27, 2018. The order, among other things, denied the motion of defendant Valley Community Association, Inc. for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on March 15, 2019,

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

Entered: April 26, 2019

Mark W. Bennett
Clerk of the Court