

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

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CA 19-01853

PRESENT: SMITH, J.P., CARNI, NEMOYER, CURRAN, AND BANNISTER, JJ.

TIMOTHY J. KUPKA AND DEBORAH A. KUPKA,
PLAINTIFFS-RESPONDENTS,

V

ORDER

SERRIE C. LICO, M.D., CARDIOVASCULAR
AND THORACIC SURGERY, P.C., DEFENDANTS-APPELLANTS,
CATHARINE M. ARMENTROUT, N.P., MERCY HOSPITAL OF
BUFFALO AND CATHOLIC HEALTH SYSTEM, INC.,
DEFENDANTS-RESPONDENTS.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (HEDWIG M. AULETTA OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

BROWN CHIARI LLP, BUFFALO (MICHAEL R. DRUMM OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

BARGNESI BRITT PLLC, BUFFALO (JASON T. BRITT OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered January 23, 2018. The order denied the motion of defendants Serrie C. Lico, M.D. and Cardiovascular and Thoracic Surgery, P.C. seeking summary judgment dismissing all claims and cross claims against them.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on December 20, 2019,

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

Entered: March 13, 2020

Mark W. Bennett
Clerk of the Court