

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

376.1

CA 19-01943

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ.

KENNETH KITTINGER AND TONI GERACE,
PLAINTIFFS-RESPONDENTS,

V

ORDER

JAMES SABUDA, DEFENDANT-APPELLANT,
ET AL., DEFENDANT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (JEFFREY F. BAASE OF
COUNSEL), FOR DEFENDANT-APPELLANT.

RAMOS & RAMOS, BUFFALO (JOSEPH L. NICASTRO OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered October 16, 2019. The order, among other things, granted plaintiff's motions to compel the production of certain discovery.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on March 3, 2020,

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