

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

1415/09

CA 09-00554

PRESENT: SCUDDER, P.J., CENTRA, FAHEY, GREEN, AND GORSKI, JJ.

TIMOTHY LORENZ AND EILEEN LORENZ,
PLAINTIFFS-RESPONDENTS,

V

ORDER

VILLAGE OF DEPEW, ET AL., DEFENDANTS,
ADELPHIA CABLE COMMUNICATIONS,
DEFENDANT-APPELLANT.

ADELPHIA CABLE COMMUNICATIONS, THIRD-PARTY
PLAINTIFF,

V

PHASECOM AMERICA, INC. AND MASTEC
TECHNOLOGIES, INC., THIRD-PARTY DEFENDANTS.

WEBSTER SZANYI LLP, BUFFALO (MARK C. DAVIS OF COUNSEL), FOR
DEFENDANT-APPELLANT.

PAUL WILLIAM BELTZ, P.C., BUFFALO (BRIAN R. HOGAN OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Gerald J. Whalen, J.), entered June 10, 2008. The order, inter alia, granted that part of plaintiffs' motion seeking summary judgment on liability pursuant to Labor Law § 240 (1) against defendant Adelphia Cable Communications.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties and filed on May 26, 2011,

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

Entered: June 10, 2011

Patricia L. Morgan
Clerk of the Court