

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

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CA 08-01656

PRESENT: SMITH, J.P., CENTRA, FAHEY, PERADOTTO, AND PINE, JJ.

CAROLYN RAK, INDIVIDUALLY AND AS PARENT AND
NATURAL GUARDIAN OF TYLER HALEY, AN INFANT
UNDER THE AGE OF 14 YEARS,
PLAINTIFF-RESPONDENT,

V

ORDER

COUNTRY FAIR, INC., PRIME REALTY, INC., PRIME
REALTY II, INC., DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.

DAMON & MOREY LLP, BUFFALO (MICHAEL J. WILLETT OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

FARRELL & FARRELL, HAMBURG (KENNETH J. FARRELL OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered November 21, 2007 in a personal injury action. The judgment was entered upon a finding of liability against defendants Country Fair, Inc., Prime Realty, Inc. and Prime Realty II, Inc. after a jury trial.

Now, upon reading and filing the stipulation discontinuing appeal signed by the attorneys for the parties on March 9, 2009,

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

Entered: March 20, 2009

JoAnn M. Wahl
Clerk of the Court