

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

804

CA 07-02278

PRESENT: HURLBUTT, J.P., SMITH, CENTRA, PINE, AND GORSKI, JJ.

IN THE MATTER OF DONALD GRASSO, DAVID
MONOLOPOLUS, AND DANIEL T. WARREN,
PETITIONERS-APPELLANTS,

V

ORDER

TOWN OF WEST SENECA, ZONING BOARD OF APPEALS
OF TOWN OF WEST SENECA, TOWN OF WEST SENECA
BUILDING DEPARTMENT, WILLIAM CZUPRYNSKI, AS CODE
ENFORCEMENT OFFICER OF TOWN OF WEST SENECA, CANISIUS
HIGH SCHOOL, ALSO KNOWN AS CANISIUS HIGH SCHOOL
OF BUFFALO, NEW YORK, AND JAMES P. HIGGINS, S.J.,
AS PRESIDENT OF CANISIUS HIGH SCHOOL,
RESPONDENTS-RESPONDENTS.
(APPEAL NO. 2.)

DANIEL T. WARREN, DONALD GRASSO, AND DAVID MONOLOPOLUS, PETITIONERS-
APPELLANTS PRO SE.

CONNORS & VILARDO, LLP, BUFFALO (LAWRENCE J. VILARDO OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS TOWN OF WEST SENECA, ZONING BOARD OF APPEALS
OF TOWN OF WEST SENECA, TOWN OF WEST SENECA BUILDING DEPARTMENT, AND
WILLIAM CZUPRYNSKI, AS CODE ENFORCEMENT OFFICER OF TOWN OF WEST
SENECA.

HARRIS BEACH PLLC, BUFFALO (RICHARD T. SULLIVAN OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS CANISIUS HIGH SCHOOL, ALSO KNOWN AS CANISIUS
HIGH SCHOOL OF BUFFALO, NEW YORK, AND JAMES P. HIGGINS, S.J., AS
PRESIDENT OF CANISIUS HIGH SCHOOL.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered October 23, 2007 in a proceeding pursuant to CPLR article 78. The order, inter alia, denied the request of petitioners for a default judgment against respondents.

Now, upon the stipulation dismissing the petition against respondent James P. Higgins, S.J., as president of Canisius High School, signed by petitioners and the attorneys for respondents and filed in the Erie County Clerk's Office on May 1, 2009,

It is hereby ORDERED that said appeal with respect to respondent James P. Higgins, S.J., as president of Canisius High School, is unanimously dismissed upon stipulation and the appeal is otherwise

dismissed without costs (see CPLR 5701 [b] [1]).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court