

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

829

CA 09-00140

PRESENT: SCUDDER, P.J., MARTOCHE, FAHEY, CARNI, AND PINE, JJ.

MICHAEL HOGAN AND MARY HOGAN,
PLAINTIFFS-RESPONDENTS,

V

ORDER

GEORGE TRITSCH, DEFENDANT-APPELLANT.

BOUVIER PARTNERSHIP, LLP, BUFFALO (JOHN P. DEPAOLO OF COUNSEL), FOR
DEFENDANT-APPELLANT.

SIEGEL, KELLEHER & KAHN, LLP, BUFFALO (ROBERT D. STEINHAUS OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered April 23, 2008 in a personal injury action. The order denied defendant's motion for summary judgment dismissing the complaint.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties on April 2, 2009,

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

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court