

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

1244

CA 08-02551

PRESENT: SCUDDER, P.J., HURLBUTT, GREEN, PINE, AND GORSKI, JJ.

IN THE MATTER OF JOHN R. SCHIENER, AS PRESIDENT
OF CONCERNED CITIZENS OF SARDINIA,
PETITIONER-RESPONDENT,

V

ORDER

TOWN OF SARDINIA, RESPONDENT-APPELLANT,
ET AL., RESPONDENTS.

DIFILIPPO & FLAHERTY, P.C., EAST AURORA (ANTHONY DIFILIPPO, III, OF
COUNSEL), FOR RESPONDENT-APPELLANT.

BLAIR & ROACH, LLP, TONAWANDA (J. MICHAEL LENNON OF COUNSEL), FOR
PETITIONER-RESPONDENT.

HARRIS BEACH, PLLC, BUFFALO (RICHARD T. SULLIVAN OF COUNSEL), FOR
RESPONDENTS WASTE MANAGEMENT OF NEW YORK, LLC AND WASTE MANAGEMENT OF
NEW JERSEY, INC.

Appeal from a judgment of the Supreme Court, Erie County (John A. Michalek, J.), entered February 25, 2008 in a proceeding pursuant to CPLR article 78. The judgment granted the petition.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on October 20, 2009 and filed in the Erie County Clerk's Office on December 1, 2009,

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

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court