

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

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CA 12-02376

PRESENT: SMITH, J.P., FAHEY, CARNI, VALENTINO, AND WHALEN, JJ.

MARIE T. BENKLEMAN AND ROBERT A. BENKLEMAN,
PLAINTIFFS-APPELLANTS,

V

ORDER

MARCIA A. KOLB, DEFENDANT-RESPONDENT.

CONNORS & VILARDO, LLP, BUFFALO (LAWLOR F. QUINLAN, III, OF COUNSEL),
FOR PLAINTIFFS-APPELLANTS.

LAW OFFICES OF DESTIN C. SANTACROSE, BUFFALO (RICHARD S. POVEROMO OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered July 26, 2012. The order, insofar as appealed from, denied the motion of plaintiffs for summary judgment.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on April 26, 2013, and filed in the Erie County Clerk's Office on May 20, 2013,

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

Entered: June 7, 2013

Frances E. Cafarell
Clerk of the Court