

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

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CA 12-00964

PRESENT: SMITH, J.P., PERADOTTO, CARNI, VALENTINO, AND MARTOCHE, JJ.

TODD R. GREENERT, PLAINTIFF,

V

ORDER

SALES ASSOCIATES OF WNY, LLC, ET AL.,
DEFENDANTS.

SALES ASSOCIATES OF WNY, LLC,
THIRD-PARTY PLAINTIFF-APPELLANT,

V

EDWARD H. DAVIS, JR., KATERI M. DAVIS
AND JEFFREY PILGER,
THIRD-PARTY DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

AUGELLO & MATTELIANO, LLP, BUFFALO (JOSEPH A. MATTELIANO OF COUNSEL),
FOR THIRD-PARTY PLAINTIFF-APPELLANT.

WALSH ROBERTS & GRACE, BUFFALO (KEITH N. BOND OF COUNSEL), FOR
THIRD-PARTY DEFENDANTS-RESPONDENTS EDWARD H. DAVIS, JR. AND KATERI M.
DAVIS.

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered October 3, 2011. The order, among other things, granted the motion of third-party defendants Edward H. Davis, Jr. and Kateri M. Davis for summary judgment dismissing the third-party complaint of third-party plaintiff Sales Associates of WNY, LLC, against them.

Now, upon reading and filing the stipulation discontinuing appeal signed by the attorneys for the parties on October 16, 2013,

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

All concur except MARTOCHE, J., who is not participating.

Entered: November 8, 2013

Frances E. Cafarell
Clerk of the Court