

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

992

**CA 14-00263**

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND VALENTINO, JJ.

---

WESTERN NEW YORK IMMEDIATE MEDICAL CARE, PLLC,  
PLAINTIFF-RESPONDENT,

V

ORDER

HEALTHNOW NEW YORK, INC., DOING BUSINESS AS BLUE  
CROSS BLUE SHIELD OF WESTERN NEW YORK,  
DEFENDANT-APPELLANT.

---

WEBSTER SZANYI LLP, BUFFALO (MICHAEL P. MCCLAREN OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

NOTARO & LAING, P.C., BUFFALO (LINDA C. LAING OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 20, 2013. The order, insofar as appealed from, granted a preliminary injunction enjoining defendant from removing plaintiff from its list of participating providers.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on September 2, 2014, and filed in the Erie County Clerk's Office on September 3, 2014,

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

Entered: September 26, 2014

Frances E. Cafarell  
Clerk of the Court