

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

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**CA 14-01274**

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

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BRIAN SCHNEIDER AND SHELLEY SCHNEIDER,  
PLAINTIFFS-APPELLANTS-RESPONDENTS,

V

ORDER

GREG E. BOBERG, INDIVIDUALLY AND DOING  
BUSINESS AS GREG BOBERG CONSTRUCTION,  
DEFENDANT-RESPONDENT-APPELLANT.

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BROWN CHIARI LLP, LANCASTER (NELSON E. SCHULE, JR., OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS-RESPONDENTS.

SMITH, MURPHY & SCHOEPPERLE, LLP, BUFFALO (STEPHEN P. BROOKS OF  
COUNSEL), FOR DEFENDANT-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Supreme Court,  
Cattaraugus County (Paula L. Feroletto, J.), entered March 21, 2014.  
The order denied the motion of plaintiffs for partial summary  
judgment, and granted in part and denied in part the cross motion of  
defendant for summary judgment.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on February 9, 2015,

It is hereby ORDERED that said appeal and cross appeal are  
dismissed without costs upon stipulation.

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

Entered: March 20, 2015

Frances E. Cafarell  
Clerk of the Court