

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

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**CA 14-01792**

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

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JASON P. SADOWSKI, ET AL., PLAINTIFFS,

V

ORDER

FORBES HOMES, INC., ET AL., DEFENDANTS.

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FORBES HOMES, INC., AND FORBES HOMES, INC.,  
DOING BUSINESS AS FORBES-CAPRETTO HOMES,  
THIRD-PARTY PLAINTIFFS-RESPONDENTS,

V

WETZEL DEVELOPMENT, LLC, THIRD-PARTY  
DEFENDANT-APPELLANT.

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KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (MAURICE L. SYKES OF  
COUNSEL), FOR THIRD-PARTY DEFENDANT-APPELLANT.

GOLDBERG SEGALLA LLP, BUFFALO (MICHAEL T. GLASCOTT OF COUNSEL), FOR  
THIRD-PARTY PLAINTIFFS-RESPONDENTS.

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Appeal from an order and judgment (one paper) of the Supreme  
Court, Erie County (Donna M. Siwek, J.), entered February 18, 2014.  
The order and judgment granted contractual indemnification to  
third-party plaintiffs against third-party defendant and denied the  
motion of third-party defendant to set aside a directed verdict and to  
dismiss the third-party complaint.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on June 30 and July 7, 2015,

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

Entered: July 10, 2015

Frances E. Cafarell  
Clerk of the Court