

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

**879**

**CA 16-00267**

PRESENT: WHALEN, P.J., SMITH, LINDLEY, TROUTMAN, AND SCUDDER, JJ.

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LARRY ITALIA, PLAINTIFF-RESPONDENT,

V

ORDER

CLIFFSTAR LLC, ALSO KNOWN AS CLIFFSTAR NEW YORK, LLC, CLIFFSTAR CORPORATION, STAR REAL PROPERTY, LLC, STAR ASSOCIATES FAMILY LIMITED PARTNERSHIP, STAR FAMILY LIMITED PARTNERSHIP AND COTT BEVERAGES INC., DEFENDANTS-APPELLANTS.

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COZEN O'CONNOR, NEW YORK CITY (VINCENT POZZUTO OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

DOLCE PANEPINTO, P.C., BUFFALO (SEAN E. COONEY OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Michael L. D'Amico, A.J.), entered December 23, 2015. The order, insofar as appealed from, denied the motion of defendants for summary judgment dismissing the complaint and granted in part plaintiff's cross motion for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on August 2, 2016,

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

Entered: November 10, 2016

Frances E. Cafarell  
Clerk of the Court