

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

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CA 16-01028

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CARNI, AND LINDLEY, JJ.

JAMES SAVAGE, PLAINTIFF-APPELLANT,

V

ORDER

EDWARD D. HANCOCK, DEFENDANT-RESPONDENT,
LOURDES MARCIAL, ET AL., DEFENDANTS.

MORRIS & MORRIS, ROCHESTER (DEBORAH M. FIELD OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

PETRONE & PETRONE, P.C., UTICA (MARK J. HALPIN OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

LOURDES MARCIAL, DEFENDANT PRO SE.

Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered February 24, 2016. The order denied the motion of plaintiff for partial summary judgment on liability pursuant to Labor Law § 240 (1) against defendant Edward D. Hancock.

Now, upon the stipulation of discontinuance signed by defendant Lourdes Marcial on November 1, 2016, and by the attorneys for the parties on October 26 and 31, 2016, and filed in the Monroe County Clerk's Office on November 22, 2016,

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

Entered: February 3, 2017

Frances E. Cafarell
Clerk of the Court