

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

**394/17**

**CA 16-00096**

PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND SCUDDER, JJ.

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MICHAEL A. SERRANO, PLAINTIFF-APPELLANT,

V

ORDER

THOMAS A. GILRAY, JR., ET AL., DEFENDANTS,  
AND CORPUS CHRISTI CHURCH, DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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AUGELLO & MATTELIANO, LLP, BUFFALO (JOSEPH A. MATTELIANO OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (NICHOLAS M. HRICZKO OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

GOLDBERG SEGALLA LLP, BUFFALO (MICHAEL APPELBAUM OF COUNSEL), FOR  
DEFENDANT CENTRAL TERMINAL RESTORATION CORPORATION.

LAW OFFICE OF DANIEL ARCHILLA, BUFFALO (JEFFREY SENDZIAK OF COUNSEL),  
FOR DEFENDANT THOMAS A. GILRAY, JR.

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Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 8, 2015. The order granted the motion of defendant Corpus Christi Church for summary judgment and dismissed the complaint and all cross claims against said defendant.

Now, upon the partial stipulation of discontinuance with respect to defendant Corpus Christi Church signed by the attorneys for the above listed parties on August 1, 11, 24 and 28, 2017, and filed in the Erie County Clerk's Office on August 30, 2017,

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

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

Entered: March 16, 2018

Mark W. Bennett  
Clerk of the Court