

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

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CA 17-01830

PRESENT: SMITH, J.P., CENTRA, NEMOYER, CURRAN, AND TROUTMAN, JJ.

DERRICK PERKINS AND HELENA PERKINS,
PLAINTIFFS-RESPONDENTS,

V

ORDER

UPSTATE ORTHOPEDICS, LLP, DANIEL M.
DEMARTINI, P.A., DEFENDANTS-APPELLANTS,
ET AL., DEFENDANTS.

SUGARMAN LAW FIRM, LLP, SYRACUSE (DANIELLE MIKALAJUNAS FOGEL OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

WEISBERG & ZUKHER, PLLC, SYRACUSE (DAVID E. ZUKHER OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Onondaga County
(Anthony J. Paris, J.), entered July 11, 2017. The order, among other
things, denied the motion of defendants Daniel M. DeMartini, P.A., and
Upstate Orthopedics, LLP, for summary judgment dismissing the
complaint against them.

Now, upon the stipulation of discontinuance signed by the
attorneys for the parties on February 28, 2018, and filed in the
Onondaga County Clerk's Office on March 2, 2018,

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

Entered: March 16, 2018

Mark W. Bennett
Clerk of the Court