

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

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**CA 18-00965**

PRESENT: SMITH, J.P., CARNI, LINDLEY, NEMOYER, AND CURRAN, JJ.

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NICHOLAS CARUSO, PLAINTIFF,  
AND RONALD J. CARUSO, PLAINTIFF-RESPONDENT,

V

ORDER

MICHAEL D. CHATFIELD, LANDSTAR RANGER, INC.,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.

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BENNETT SCHECHTER ARCURI & WILL LLP, BUFFALO (PETER D. CANTONE OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

BRIAN CHAPIN YORK, JAMESTOWN, FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Chautauqua County (James H. Dillon, J.), entered March 19, 2018. The order, insofar as appealed from, denied the motion of defendants Michael D. Chatfield and Landstar Ranger, Inc., for summary judgment as to plaintiff Ronald J. Caruso's claim of a significant limitation of use of a body function or system.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on November 19 and December 17, 2018,

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

Entered: March 15, 2019

Mark W. Bennett  
Clerk of the Court