

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

540

**CA 18-01774**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

---

BUILDING SCIENCE SERVICES, LLC,  
PLAINTIFF-RESPONDENT,

V

ORDER

THOMAS FOSS AND ACCESSIBILITY SERVICES/UNITED  
SPINAL ASSOCIATION, INC., DEFENDANTS-APPELLANTS.

---

WEBSTER SZANYI LLP, BUFFALO (ANDREW O. MILLER OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (JEFFREY A. CARLINO OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, III, J.), entered March 23, 2018. The order, inter alia, granted the motion of plaintiff for leave to amend its complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on April 8, 2019,

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

Entered: April 26, 2019

Mark W. Bennett  
Clerk of the Court