

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

1163/19

CA 19-00929

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, NEMOYER, AND WINSLOW, JJ.

JARED N. UNDERBERG, AS ASSIGNEE OF 236 DELAWARE ASSOCIATES, LLC, PLAINTIFF-RESPONDENT,

V

ORDER

DRYDEN MUTUAL INSURANCE CO., DEFENDANT-APPELLANT.

BARCLAY DAMON LLP, BUFFALO (KEVIN D. SZCZEPANSKI OF COUNSEL), FOR DEFENDANT-APPELLANT.

BURDEN, HAFNER & HANSEN, LLC, BUFFALO (PHYLISS A. HAFNER OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Mark A. Montour, J.), entered October 26, 2018. The order denied the motion of defendant to dismiss the complaint and granted the cross motion of plaintiff for leave to serve an amended complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on August 12, 2020,

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

Entered: October 2, 2020

Mark W. Bennett
Clerk of the Court