

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

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CA 19-01839

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

DIANE M. GRAVES, INDIVIDUALLY AND AS EXECUTRIX
OF THE ESTATE OF MARTIN J. GRAVES, DECEASED,
PLAINTIFF-APPELLANT,

V

ORDER

STANLEY MICHALSKI, M.D., ET AL., DEFENDANTS,
AND DAVID LILLIE, M.D., DEFENDANT-RESPONDENT.

FARACI LANGE, LLP, BUFFALO (JENNIFER L. FAY OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

CONNORS LLP, BUFFALO (JOHN T. LOSS OF COUNSEL), FOR
DEFENDANT-RESPONDENT AND DEFENDANTS ROBERT G. FUGITT, M.D. AND DAVID
B. LILLIE, M.D., P.C., AND CCS MEDICAL, PLLC.

FELDMAN KIEFFER, LLP, BUFFALO (STEPHEN MANUELE OF COUNSEL), FOR
DEFENDANT STANLEY MICHALSKI, M.D.

THE TARANTINO LAW FIRM, LLP, BUFFALO (BRIAN J. WEIDNER OF COUNSEL),
FOR DEFENDANTS INVISION HEALTH, LLC AND BRAIN & SPINE MEDICAL
SERVICES, PLLC.

Appeal, by permission of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered September 25, 2019. The order denied plaintiff's motion to compel the further deposition of defendant David Lillie, M.D.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on November 18, 2020,

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

Entered: December 23, 2020

Mark W. Bennett
Clerk of the Court