

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

**146**

**CA 20-00518**

PRESENT: CENTRA, J.P., LINDLEY, CURRAN, BANNISTER, AND DEJOSEPH, JJ.

---

MCNIDER MARINE, LLC, AND JOHN BRUCE MCNIDER,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

YELLOWSTONE CAPITAL, LLC, YITZHAK STERN,  
AND TSVI DAVIS, DEFENDANTS-APPELLANTS.

---

PROSKAUER ROSE LLP, NEW YORK CITY (MATTHEW J. MORRIS OF COUNSEL), FOR  
DEFENDANT-APPELLANT YELLOWSTONE CAPITAL, LLC.

WELLS & MENDELBERG, PLLC, NEW YORK CITY (GABRIEL MENDELBERG OF  
COUNSEL), FOR DEFENDANT-APPELLANT YITZHAK STERN.

SHER TREMONTE LLP, NEW YORK CITY (ALLEGRA NOONAN OF COUNSEL), FOR  
DEFENDANT-APPELLANT TSVI DAVIS.

WHITE AND WILLIAMS LLP, NEW YORK CITY (SHANE R. HESKIN OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

---

Appeals from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered December 23, 2019. The order denied the motion of defendants to dismiss the amended complaint.

Now, upon reading and filing the stipulations of discontinuance signed by the attorneys for the parties on October 27, 2020 and October 21, 2021,

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

Entered: November 12, 2021

Ann Dillon Flynn  
Clerk of the Court