

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

**990**

**CA 21-00256**

PRESENT: CARNI, J.P., LINDLEY, NEMOYER, WINSLOW, AND BANNISTER, JJ.

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PROGRESSIVE WATER TREATMENT INC., DOING  
BUSINESS AS ORIGINCLEAR, ORIGINCLEAR INC.,  
DOING BUSINESS AS ORIGINCLEAR AND TENER R.  
ECKELBERRY, JR., PLAINTIFFS-APPELLANTS,

V

ORDER

YELLOWSTONE CAPITAL LLC, DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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THE BASILE LAW FIRM P.C., JERICHO (MARK R. BASILE OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

STEIN ADLER DABAH & ZELKOWITZ, LLP, NEW YORK CITY (CHRISTOPHER MURRAY  
OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered January 5, 2021. The judgment, among other things, dismissed the action in its entirety.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on August 9 and 10, 2021,

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

Entered: November 12, 2021

Ann Dillon Flynn  
Clerk of the Court