

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

1023

CA 21-00320

PRESENT: SMITH, J.P., CARNI, NEMOYER, CURRAN, AND BANNISTER, JJ.

SUSAN R. CORY, AS EXECUTRIX WITH LETTERS
TESTAMENTARY WITH LIMITATIONS OF THE
ESTATE OF RICHARD J. MENGA, DECEASED,
PLAINTIFF-RESPONDENT,

V

ORDER

PENFIELD CENTRAL SCHOOL DISTRICT,
DEFENDANT-APPELLANT,
AND JENNIFER M. FICHERA,
DEFENDANT-RESPONDENT.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (RICHARD T. SARAF OF
COUNSEL), FOR DEFENDANT-APPELLANT.

MORRIS & MORRIS, ATTORNEYS, ROCHESTER (DEBORAH M. FIELD OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

ROE & ASSOCIATES, WILLIAMSVILLE (MATTHEW J. ROE OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County
(Christopher S. Ciaccio, A.J.), entered November 9, 2020. The order,
insofar as appealed from, denied the cross motion of defendant
Penfield Central School District for summary judgment dismissing the
complaint against it.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on October 25 and 26, 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