

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

**172.1**

**TP 21-01449**

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

---

IN THE MATTER OF WYATT A., A MINOR CHILD,  
BY HIS NATURAL MOTHER, SARAH R., PETITIONER,

V

ORDER

HOWARD ZUCKER, AS NEW YORK STATE COMMISSIONER  
OF HEALTH, AND NEW YORK STATE DEPARTMENT OF  
HEALTH, RESPONDENTS.

---

LAW OFFICE OF BERNARD V. KLEINMAN, PLLC, SOMERS (BERNARD V. KLEINMAN  
OF COUNSEL), FOR PETITIONER.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (ALLYSON B. LEVINE OF  
COUNSEL), FOR RESPONDENTS.

---

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Ontario County [Brian D. Dennis, A.J.], entered September 15, 2021) to review a determination of respondents. The determination denied the request of petitioner for the installation of a whole house generator.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on March 15 and 16, 2022,

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

Entered: April 22, 2022

Ann Dillon Flynn  
Clerk of the Court