

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

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CA 23-00193

PRESENT: WHALEN, P.J., LINDLEY, OGDEN, NOWAK, AND DELCONTE, JJ.

ANTHONY D'AURIA AND LYNN D'AURIA,
PLAINTIFFS-RESPONDENTS,

V

ORDER

DAVID R. DOUGHERTY, D.O., ET AL., DEFENDANTS,
AND ROBERT R. CONTI, M.D., DEFENDANT-APPELLANT.

RICOTTA MATTREY CALLOCHIA MARKEL & CASSERT, BUFFALO (COLLEEN K.
MATTREY OF COUNSEL), FOR DEFENDANT-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOSEPH J. MANNA OF COUNSEL),
FOR PLAINTIFFS-RESPONDENTS.

CONNORS, LLP, BUFFALO (JOHN LOSS OF COUNSEL), FOR DEFENDANTS DAVID R.
DOUGHERTY, D.O., NAGARAJA SRIDHAR, M.D., JOHN GRISWOLD, M.D., AND
BUFFALO MEDICAL GROUP, P.C.

Appeal from an order of the Supreme Court, Erie County (John B. Licata, J.), entered August 11, 2022. The order denied the motion of defendant Robert R. Conti, M.D., for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on July 13, 17 and 24, 2023,

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

Entered: February 2, 2024

Ann Dillon Flynn
Clerk of the Court