

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

314

CA 24-00127

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, GREENWOOD, AND KEANE, JJ.

DJP DEVELOPMENT, LLC, PLAINTIFF-RESPONDENT,

V

ORDER

MACERICH NIAGARA, LLC, DEFENDANT-APPELLANT,
ET AL., DEFENDANTS.
(APPEAL NO. 1.)

MAGAVERN MAGAVERN GRIMM LLP, BUFFALO (EDWARD J. MARKARIAN OF COUNSEL),
FOR DEFENDANT-APPELLANT.

PHILLIPS LYTTLE LLP, ROCHESTER (CHAD W. FLANSBURG OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Emilio Colaiacovo, J.), entered December 5, 2023. The order and judgment, inter alia, awarded plaintiff money damages against defendant Macerich Niagara, LLC.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on April 3, 2025,

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

Entered: April 25, 2025

Ann Dillon Flynn
Clerk of the Court