

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

315

CA 24-01676

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. 2.)

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

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

Appeal from a judgment of the Supreme Court, Niagara County
(Emilio Colaiacovo, J.), entered December 5, 2023. The 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