

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

874

CA 24-00851

PRESENT: LINDLEY, J.P., CURRAN, OGDEN, NOWAK, AND KEANE, JJ.

NEW YORK CENTRAL MUTUAL FIRE INSURANCE
COMPANY, AS SUBROGEE OF DIANA SOUTHALL,
PLAINTIFF-RESPONDENT,

V

ORDER

KATHERINE O'DONNELL, DEFENDANT-APPELLANT,
ET AL., DEFENDANT.

LAW OFFICES OF JOHN WALLACE, HARTFORD, CONNECTICUT (JAMES J. NAVAGH OF
COUNSEL), FOR DEFENDANT-APPELLANT.

RUPP PFALZGRAF LLC, BUFFALO (MATTHEW F. WITHIAM-LEITCH OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Joseph C. Lorigo, J.), entered May 2, 2024, in a personal injury action. The order, insofar as appealed from, denied the motion of defendant Katherine O'Donnell for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on September 29, 2025,

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

Entered: November 21, 2025

Ann Dillon Flynn
Clerk of the Court