

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

198/25

CA 24-00467

PRESENT: LINDLEY, J.P., BANNISTER, GREENWOOD, NOWAK, AND KEANE, JJ.

BETH NEARY, PLAINTIFF-RESPONDENT,

V

ORDER

ST. MARY'S SQUARE CONDOMINIUM ASSOCIATION,
ET AL., DEFENDANT.

ST. MARY'S SQUARE CONDOMINIUM ASSOCIATION,
THIRD-PARTY PLAINTIFF-RESPONDENT,

V

REGAN LAWCARE AND LANDSCAPING, INC.,
THIRD-PARTY DEFENDANT-APPELLANT.

GOMEZ LAW, LLC, BUFFALO (RAFAEL O. GOMEZ OF COUNSEL), FOR THIRD-PARTY
DEFENDANT-APPELLANT.

GOLDBERG SEGALLA LLP, BUFFALO (KRIS E. LAWRENCE OF COUNSEL), FOR
THIRD-PARTY PLAINTIFF-RESPONDENT.

STEVE BOYD, P.C., BUFFALO (LEAH A. COSTANZO OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Kelly A. Vacco, J.), entered February 6, 2024. The order denied the motion of third-party defendant for summary judgment dismissing the third-party complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on April 21 and 23, 2025, and June 23, 2025,

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

All concur except KEANE, J., who is not participating.

Entered: June 5, 2026

Ann Dillon Flynn
Clerk of the Court