

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

518

CA 25-00538

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

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WILLIE M. IVEY, PLAINTIFF-RESPONDENT,

V

ORDER

SWAN GROUP LIMITED PARTNERSHIP,  
DEFENDANT-APPELLANT-RESPONDENT  
AND CR1 CONTRACTING, LLC,  
DEFENDANT-RESPONDENT-APPELLANT.

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SWAN GROUP LIMITED PARTNERSHIP, THIRD-PARTY  
PLAINTIFF-APPELLANT-RESPONDENT,

V

CR1 CONTRACTING, LLC, THIRD-PARTY  
DEFENDANT-RESPONDENT-APPELLANT,  
ET AL., THIRD-PARTY DEFENDANTS.

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WOOD SMITH HENNING & BERMAN LLP, WHITE PLAINS (MEGHAN A. DIBBINI OF  
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT AND THIRD-PARTY  
PLAINTIFF-APPELLANT-RESPONDENT.

RUPP PFALZGRAF LLC, ROCHESTER (MATTHEW A. LENHARD OF COUNSEL), FOR  
DEFENDANT-RESPONDENT-APPELLANT AND THIRD-PARTY DEFENDANT-RESPONDENT-  
APPELLANT.

THE BARNES FIRM P.C., ROCHESTER (BRETT L. MANSKE OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal and cross-appeal from an order of the Supreme Court,  
Monroe County (James A. Vazzana, J.), dated March 19, 2025. The  
order, among other things, denied in part the motions for summary  
judgment of defendant-third-party plaintiff and defendant-third-party  
defendant.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on May 5, 2026,

It is hereby ORDERED that said appeal and cross-appeal are  
unanimously dismissed without costs upon stipulation.

Entered: June 5, 2026

Ann Dillon Flynn  
Clerk of the Court