

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

23.1

CA 19-01253

PRESENT: WHALEN, P.J., SMITH, CENTRA, TROUTMAN, AND WINSLOW, JJ.

CHRISTOPHER FISCHER AND GABRIELLE LONERGAN,
ON BEHALF OF THEMSELVES AND ALL OTHER EMPLOYEES
SIMILARLY SITUATED, PLAINTIFFS-APPELLANTS,

V

ORDER

JOSEPH GARGANO, SENIOR, AND JOSEPH GARGANO, JUNIOR,
DEFENDANTS-RESPONDENTS.

THOMAS & SOLOMON LLP, ROCHESTER (JESSICA L. LUKASIEWICZ OF COUNSEL),
FOR PLAINTIFFS-APPELLANTS.

GROSS SHUMAN P.C., BUFFALO (KEVIN R. LELONEK OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered June 7, 2019. The order, insofar as appealed from, granted defendants' motion for summary judgment dismissing the complaint against defendant Joseph Gargano, Senior.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on December 21, 2020,

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

Entered: February 5, 2021

Mark W. Bennett
Clerk of the Court