

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

974

CA 21-00087

PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND DEJOSEPH, JJ.

ANDREW L. ANDRUSZKO, AS ADMINISTRATOR OF THE
ESTATE OF LYNN M. ANDRUSZKO, PLAINTIFF,

V

ORDER

MICHAEL P. HARRINGTON, ET AL., DEFENDANTS.

MICHAEL P. HARRINGTON, WILLIAM E. WAYMAN AND
WILLIAM E. WAYMAN, DOING BUSINESS AS WAYMANS
TRUCKING, THIRD-PARTY PLAINTIFFS-RESPONDENTS,

V

PETER KAY AUTO SALES, INC., THIRD-PARTY
DEFENDANT-APPELLANT.

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (MICHAEL J. CHMIEL OF
COUNSEL), FOR THIRD-PARTY DEFENDANT-APPELLANT.

HAGELIN SPENCER LLC, BUFFALO (SEAN M. SPENCER OF COUNSEL), FOR
THIRD-PARTY PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Dennis
Ward, J.), entered January 12, 2021. The order denied the motion of
third-party defendant for summary judgment.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on October 6, 2021,

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

Entered: November 12, 2021

Ann Dillon Flynn
Clerk of the Court