

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

1056.1/20

CA 20-00129

PRESENT: WHALEN, P.J., SMITH, CENTRA, AND CURRAN, JJ.

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S.S., AN INFANT, BY MARY S. AND VLADIMIR S.,  
HER PARENTS AND NATURAL GUARDIANS, MARY S. AND  
VLADIMIR S., ADMINISTRATORS OF THE ESTATE OF  
M.S., DECEASED, MARY S., INDIVIDUALLY, AND  
VLADIMIR S., INDIVIDUALLY,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

CITY OF BUFFALO, DEFENDANT-APPELLANT-RESPONDENT,  
AND CHRISTIAN P. MYERS, DEFENDANT.

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S.S., AN INFANT, BY MARY S. AND VLADIMIR S., HER  
PARENTS AND NATURAL GUARDIANS, MARY S. AND  
VLADIMIR S., ADMINISTRATORS OF THE ESTATE OF  
M.S., DECEASED, MARY S., INDIVIDUALLY, AND  
VLADIMIR S., INDIVIDUALLY,  
PLAINTIFFS-RESPONDENTS,

V

THE BUFFALO OLMSTED PARKS CONSERVANCY, INC.,  
DEFENDANT-APPELLANT.

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TIMOTHY A. BALL, CORPORATION COUNSEL, BUFFALO (ROBERT E. QUINN OF  
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT.

HANCOCK ESTABROOK, LLP, SYRACUSE (JOHN L. MURAD OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

CANTOR, WOLFF, NICASTRO & HALL, BUFFALO (DAVID J. WOLFF, JR., OF  
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

BARTH CONDREN LLP, BUFFALO (DOUGLAS P. HAMBERGER OF COUNSEL), FOR  
DEFENDANT CHRISTIAN P. MYERS.

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Appeals from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered December 13, 2019. The order denied the motion of defendant City of Buffalo for summary judgment dismissing the complaint and all cross claims against it and denied the motion of defendant The Buffalo Olmstead Parks Conservancy, Inc., for summary judgment dismissing the complaint and all cross claims against it and for summary judgment on its cross claim against the City of Buffalo for indemnification.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on December 13, 2021,

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

Entered: March 11, 2022

Ann Dillon Flynn  
Clerk of the Court