

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

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**CA 22-00332**

PRESENT: SMITH, J.P., LINDLEY, CURRAN, BANNISTER, AND MONTOUR, JJ.

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DOUGLAS A. BERGSTRESSER, PLAINTIFF-APPELLANT,

V

ORDER

BEVERLY J. BERGSTRESSER, DEFENDANT-RESPONDENT.

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D.J. & J.A. CIRANDO, PLLC, SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

BEVERLY J. BERGSTRESSER, DEFENDANT-RESPONDENT PRO SE.

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Appeal from an order of the Supreme Court, Yates County (Jason L. Cook, A.J.), entered October 22, 2021. The order granted in part the motion of defendant for post judgment relief.

Now, upon reading and filing the stipulation of discontinuance signed by the defendant and by the attorney for the plaintiff on January 4, 2023,

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

Entered: February 3, 2023

Ann Dillon Flynn  
Clerk of the Court