

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

151

CA 22-00365

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

WALTER O. HERRERA, PLAINTIFF-RESPONDENT,

V

ORDER

NC LOFTS HOUSING DEVELOPMENT FUND CORPORATION,
NIAGARA CITY LOFTS LLC, NIAGARA CITY LOFTS MM LLC,
CB EMMANUEL WIH PRESERVATION LLC, CB NCL LLC,
CB-EMMANUEL REALTY, LLC, CB EMMANUEL RECOVERY LLC,
AND R&P OAK HILL DEVELOPMENT LLC,
DEFENDANTS-APPELLANTS.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (JILL R. ROLOFF OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered February 22, 2022. The order, among other things, denied in part defendants' motion for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on December 1, 2022,

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