

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

**179**

**CA 23-02138**

PRESENT: CURRAN, J.P., MONTOUR, SMITH, DELCONTE, AND HANNAH, JJ.

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PETER T. BLISS AND ANDREA BLISS,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

HENRY SCHEIN, INC., DEFENDANT,  
AND MIDMARK CORPORATION, DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (CHRISTOPHER M. MILITELLO OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

KILEY, KILEY & KILEY, PLLC, LAKE SUCCESS (JAMES D. KILEY OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Cattaraugus County  
(Terrence M. Parker, A.J.), entered November 9, 2023. The order,  
insofar as appealed from, denied the motion of defendant Midmark  
Corporation for summary judgment dismissing the complaint against it.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on February 4, 2025,

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

Entered: June 6, 2025

Ann Dillon Flynn  
Clerk of the Court