

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

668/24

CA 24-00012

PRESENT: LINDLEY, J.P., CURRAN, OGDEN, NOWAK, AND KEANE, JJ.

MANUFACTURERS AND TRADERS TRUST COMPANY,
PLAINTIFF,

V

ORDER

VAN DEWATER & VAN DEWATER, LLP, ET AL.,
DEFENDANTS.

VAN DEWATER & VAN DEWATER, LLP, JEFFREY S.
BATTISTONI, ESQ., AND DANIELLE E. STRAUCH, ESQ.,
THIRD-PARTY PLAINTIFFS-RESPONDENTS,

V

THE TOWNE LAW FIRM, P.C., AND JAMES T.
TOWNE, JR., ESQ., THIRD-PARTY DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

BARCLAY DAMON LLP, ROCHESTER (TARA J. SCIORTINO OF COUNSEL), FOR
THIRD-PARTY DEFENDANTS-APPELLANTS.

GORDON REES SCULLY MANSUKHANI, LLP, NEW YORK CITY (MAXINE J. NICHOLAS
OF COUNSEL), FOR DEFENDANTS AND THIRD-PARTY PLAINTIFFS-RESPONDENTS.

MACKENZIE HUGHES, LLP, SYRACUSE (RYAN EMERY OF COUNSEL), FOR
PLAINTIFF.

Appeal from an order of the Supreme Court, Erie County (Gerald J.
Greenan, III, J.), entered October 12, 2023. The order granted the
motion of third-party plaintiffs to disqualify third-party defendants
as counsel for plaintiff.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on April 23, 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