

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

732

CA 24-01454

PRESENT: LINDLEY, J.P., CURRAN, OGDEN, GREENWOOD, AND HANNAH, JJ.

ZANTAZ ENTERPRISE ARCHIVE SOLUTION, LLC,
FORMERLY KNOWN AS CAPAX DISCOVERY, LLC,
PLAINTIFF-RESPONDENT,

V

ORDER

THE BANK OF NOVA SCOTIA, DEFENDANT-APPELLANT.

DAVIS WRIGHT TREMAINE LLP, NEW YORK CITY (BARRY S. GOLD OF COUNSEL),
FOR DEFENDANT-APPELLANT.

DUKE, HOLZMAN, PHOTIADIS & GRESENS, LLP, BUFFALO (STEVEN W. KLUTKOWSKI
OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Emilio Colaiacovo, J.), entered July 30, 2024. The order denied the motion of defendant to dismiss the second amended complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on July 10, 2025,

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

Entered: October 3, 2025

Ann Dillon Flynn
Clerk of the Court