

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

405

**CA 12-01945**

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, LINDLEY, AND WHALEN, JJ.

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CARL FELDMAN AND DONNA FELDMAN,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

LAMPARELLI CONSTRUCTION COMPANY, INC. AND  
ST. VINCENT DEPAUL, DEFENDANTS-APPELLANTS.

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GOLDBERG SEGALLA LLP, BUFFALO (PAUL D. MCCORMICK OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

COLLINS & COLLINS, LLC, BUFFALO (CHARLES H. COBB OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Kevin M. Dillon, J.), entered June 5, 2012. The order, insofar as appealed from, denied in part the cross motion of defendants for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on March 1, 2013,

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

Entered: April 26, 2013

Frances E. Cafarell  
Clerk of the Court