

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

**974**

**CA 16-01030**

PRESENT: SMITH, J.P., CARNI, LINDLEY, DEJOSEPH, AND SCUDDER, JJ.

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FRANCES JACKSON AND JOHN JACKSON,  
PLAINTIFFS-RESPONDENTS-APPELLANTS,

V

ORDER

ESTATE OF KENNETH P. SADLER, JR.,  
DECEASED, DEFENDANT,  
AND COUNTY OF ALLEGANY,  
DEFENDANT-APPELLANT-RESPONDENT.

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COUNTY OF ALLEGANY, THIRD-PARTY  
PLAINTIFF-RESPONDENT,

V

TOWN OF SCIO, THIRD-PARTY  
DEFENDANT-APPELLANT.

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WEBSTER SZANYI LLP, BUFFALO (MICHAEL P. MCCLAREN OF COUNSEL), FOR  
DEFENDANT-APPELLANT-RESPONDENT AND THIRD-PARTY PLAINTIFF-RESPONDENT.

WELCH, DONLON & CZARPLES, PLLC, CORNING (JACOB P. WELCH OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS-APPELLANTS.

LIPPMAN O'CONNOR, BUFFALO (MATTHEW J. DUGGAN OF COUNSEL), FOR  
THIRD-PARTY DEFENDANT-APPELLANT.

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Appeals and cross appeal from an order of the Supreme Court,  
Allegany County (Thomas P. Brown, A.J.), entered November 6, 2015.  
The order granted in part and denied in part the motion of defendant  
County of Allegany for summary judgment and denied the motion of  
third-party defendant Town of Scio for summary judgment.

Now, upon the stipulation of discontinuance signed by the  
attorneys for the parties on July 25, 2016, by Thomas P. Brown, A.J.,  
on August 3, 2016, and filed in the Allegany County Clerk's Office on  
August 5, 2016,

It is hereby ORDERED that said appeals and cross appeal are  
unanimously dismissed without costs upon stipulation.

Entered: November 10, 2016

Frances E. Cafarell  
Clerk of the Court