

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

**454**

**CA 16-02329**

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, CURRAN, AND TROUTMAN, JJ.

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KIMBERLY CHIAPPERINI, AS REPRESENTATIVE OF THE ESTATE OF MICHAEL CHIAPPERINI, DECEASED, JOSEPH HOFSTETTER, MARIAN KACZOWKA AND JANINA KACZOWKA, AS REPRESENTATIVES OF THE ESTATE OF TOMASZ KACZOWKA, DECEASED, THEODORE SCARDINO AND KAREN SCARDINO, PLAINTIFFS-APPELLANTS,

V

ORDER

GANDER MOUNTAIN COMPANY, INC.,  
DEFENDANT-RESPONDENT,  
ET AL., DEFENDANTS.

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WOODS OVIATT GILMAN LLP, ROCHESTER (DONALD W. O'BRIEN, JR., OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

PISCIOTTI MALSCH, P.C., WHITE PLAINS (JEFFREY MALSCH OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered October 4, 2016. The order, among other things, awarded defendant Gander Mountain Company, Inc. a protective order for certain "trace data."

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on February 22, 2018,

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

Entered: April 27, 2018

Mark W. Bennett  
Clerk of the Court