

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

1044

CA 18-00122

PRESENT: CENTRA, J.P., CARNI, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

JENNIFER TOMASCHOW, INDIVIDUALLY AND AS
ADMINISTRATRIX OF ESTATE OF SUSAN M. PLAKE,
DECEASED, PLAINTIFF-RESPONDENT,

V

ORDER

ST. JAMES MERCY HEALTH SYSTEM, ET AL., DEFENDANTS,
PINNACLE FAMILY PRACTICE, PLLC, AND RHONDA
PETERSON, M.D., DEFENDANTS-APPELLANTS.

HIRSCH & TUBIOLO, P.C., ROCHESTER (NICHOLAS J. REEDER OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

POWERS & SANTOLA, LLP, ROCHESTER (KELLY C. WOLFORD OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Steuben County
(Marianne Furfure, A.J.), entered July 12, 2017. The order denied the
motion of defendants Pinnacle Family Practice, PLLC, and Rhonda
Peterson, M.D., for summary judgment.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on August 28, 2018,

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

Entered: September 28, 2018

Mark W. Bennett
Clerk of the Court