

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

**1365**

**CA 18-01256**

PRESENT: PERADOTTO, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND CURRAN, JJ.

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THOMAS L. YOUNG, PLAINTIFF-RESPONDENT,

V

ORDER

ERICA M. DAINOTTO, DEFENDANT-APPELLANT.

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LAW OFFICE OF VICTOR M. WRIGHT, ORCHARD PARK (VICTOR M. WRIGHT OF COUNSEL), FOR DEFENDANT-APPELLANT.

BROWN CHIARI, LLP, BUFFALO (DAVID W. OLSON OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), dated April 26, 2018. The order granted the motion of plaintiff for leave to amend the complaint and to compel the production of defendant's toxicology records.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on January 7, 2019, and filed in the Erie County Clerk's Office on February 13, 2019,

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

Entered: April 26, 2019

Mark W. Bennett  
Clerk of the Court