

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

1306

CA 18-01169

PRESENT: WHALEN, P.J., PERADOTTO, CARNI, NEMOYER, AND WINSLOW, JJ.

CLIFFORD SCHLEMMER, PLAINTIFF-APPELLANT,

V

ORDER

JANICE COVELL, DEFENDANT-RESPONDENT.

CELLINO & BARNES, P.C., BUFFALO (GREGORY V. PAJAK OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

HAGELIN SPENCER LLC, BUFFALO (SEAN M. SPENCER OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered May 8, 2018. The order denied the motion of plaintiff for partial summary judgment.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on May 9, 2019, and filed in the Niagara County Clerk's Office on May 10, 2019,

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

Entered: August 22, 2019

Mark W. Bennett
Clerk of the Court