

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

**948**

**CA 19-00444**

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

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RACHEL KUECHLE, PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

EVANDER KANE, DEFENDANT-RESPONDENT-APPELLANT.

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COLLINS & COLLINS, BUFFALO (SAMUEL J. CAPIZZI OF COUNSEL), FOR  
PLAINTIFF-APPELLANT-RESPONDENT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR DEFENDANT-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered October 25, 2018. The order granted in part and denied in part the motion of plaintiff to dismiss defendant's counterclaim.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on July 29, 2019,

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

Entered: September 27, 2019

Mark W. Bennett  
Clerk of the Court