

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

**242**

**CA 20-01031**

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

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MICHAEL BONK, PLAINTIFF-RESPONDENT,

V

ORDER

TURNER CONSTRUCTION COMPANY, DEFENDANT-APPELLANT.

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GOLDBERG SEGALLA LLP, BUFFALO (MEGHAN M. BROWN OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

DOLCE FIRM, BUFFALO (SEAN COONEY OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, A.J.), entered August 13, 2020. The order, among other things, granted plaintiff's motion for partial summary judgment and denied in part defendant's cross motion for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on February 23, 2021,

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

Entered: March 19, 2021

Mark W. Bennett  
Clerk of the Court