

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

413/20

CA 19-02179

PRESENT: SMITH, J.P., CARNI, LINDLEY, CURRAN, AND DEJOSEPH, JJ.

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MARC MCSWEENEY, PLAINTIFF-RESPONDENT,

V

ORDER

NORFOLK SOUTHERN RAILWAY COMPANY,  
DEFENDANT-APPELLANT,  
IROQUOIS BAR CORP., ET AL., DEFENDANTS.

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GOLDBERG SEGALLA LLP, BUFFALO (ALBERT J. D'AQUINO OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

MAXWELL MURPHY, LLC, BUFFALO (JOHN F. MAXWELL OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered May 1, 2019. The order, among other things, granted in part plaintiff's motion for summary judgment against defendant Norfolk Southern Railway Company.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on April 6, 2020,

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

Entered: June 11, 2021

Mark W. Bennett  
Clerk of the Court