

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

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CA 20-01627

PRESENT: PERADOTTO, J.P., LINDLEY, WINSLOW, AND BANNISTER, JJ.

GARY MYERS AND CYNTHIA MYERS,
PLAINTIFFS-RESPONDENTS,

V

ORDER

INVACARE CORPORATION, DEFENDANT,
RELIANT PHARMACY CORP., RELIANT MEDICAL
EQUIPMENT, THE MCGUIRE GROUP, INC., FRANCIS
JAMES MCGUIRE, DOING BUSINESS AS RELIANT
MEDICAL EQUIPMENT & SUPPLY,
DEFENDANTS-RESPONDENTS,
KALEIDA HEALTH AND BUFFALO GENERAL HOSPITAL,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 3.)

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (ROBERT D. BARONE OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

DOLCE FIRM, P.C., BUFFALO (ANNE M. WHEELER OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

BARGNESI BRITT, PLLC, BUFFALO (JASON T. BRITT OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

MONACO COOPER LAMME & CARR, PLLC, ALBANY (ADAM H. COOPER OF COUNSEL),
FOR DEFENDANT.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 7, 2020. The order granted the motion of defendants-appellants for leave to reargue and upon reargument the court adhered to its original decision as set forth in the order of the court entered September 8, 2020.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on December 14, 2021,

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

Entered: January 28, 2022

Ann Dillon Flynn
Clerk of the Court