

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

445/22

CA 21-00822

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, CURRAN, AND BANNISTER, JJ.

DEANNA M. FLINT, AS THE EXECUTRIX OF THE
ESTATE OF MICHAEL J. FLINT, DECEASED,
PLAINTIFF-RESPONDENT,

V

ORDER

AGRO TREND MANUFACTURING, AS A DIVISION
OF ROJAC INDUSTRIES, INC., DEFENDANT-APPELLANT,
JAVA FARM SUPPLY, INC., DEFENDANT-RESPONDENT,
ET AL., DEFENDANTS.

AGRO TREND MANUFACTURING, AS A DIVISION OF
ROJAC INDUSTRIES, INC., THIRD-PARTY
PLAINTIFF-RESPONDENT,

V

FLINT'S DAIRY FARM, LLC, THIRD-PARTY
DEFENDANT-APPELLANT.

JAVA FARM SUPPLY, INC., THIRD-PARTY
PLAINTIFF-RESPONDENT,

V

FLINT'S DAIRY FARM, LLC, THIRD-PARTY
DEFENDANT-APPELLANT.

BARCLAY DAMON LLP, BUFFALO (VINCENT G. SACCOMANDO OF COUNSEL), FOR
DEFENDANT-APPELLANT AND THIRD-PARTY PLAINTIFF-RESPONDENT AGRO TREND
MANUFACTURING, AS A DIVISION OF ROJAC INDUSTRIES, INC.

BOND, SCHOENECK & KING, PLLC, BUFFALO (DANIEL J. PAUTZ OF COUNSEL),
FOR THIRD-PARTY DEFENDANT-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (RICHARD P. WEISBECK, JR., OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

GOLDBERG SEGALLA LLP, BUFFALO (ALBERT J. D'AQUINO OF COUNSEL), FOR
DEFENDANT-RESPONDENT AND THIRD-PARTY PLAINTIFF-RESPONDENT JAVA FARM
SUPPLY, INC.

Appeals from an order of the Supreme Court, Wyoming County
(Michael M. Mohun, A.J.), entered April 23, 2021. The order, among

other things, denied in part the motion for summary judgment by defendant-third-party plaintiff Agro Trend Manufacturing, as a Division of Rojac Industries, Inc., and denied the motion for summary judgment by third-party defendant Flint's Dairy Farm, LLC.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on September 1, 2022,

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

Clerk of the Court