

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

132

**CA 08-01656**

PRESENT: SMITH, J.P., CENTRA, FAHEY, PERADOTTO, AND PINE, JJ.

---

CAROLYN RAK, INDIVIDUALLY AND AS PARENT AND  
NATURAL GUARDIAN OF TYLER HALEY, AN INFANT  
UNDER THE AGE OF 14 YEARS,  
PLAINTIFF-RESPONDENT,

V

ORDER

COUNTRY FAIR, INC., PRIME REALTY, INC., PRIME  
REALTY II, INC., DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.

---

DAMON & MOREY LLP, BUFFALO (MICHAEL J. WILLETT OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

FARRELL & FARRELL, HAMBURG (KENNETH J. FARRELL OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

---

Appeal from a judgment of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered November 21, 2007 in a personal injury action. The judgment was entered upon a finding of liability against defendants Country Fair, Inc., Prime Realty, Inc. and Prime Realty II, Inc. after a jury trial.

Now, upon reading and filing the stipulation discontinuing appeal signed by the attorneys for the parties on March 9, 2009,

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

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court