

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

**598.1**

**CA 08-01661**

PRESENT: SMITH, J.P., CENTRA, FAHEY, CARNI, AND GORSKI, JJ.

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DEBORAH GDANIEC, INDIVIDUALLY AND AS  
ADMINISTRATOR OF THE ESTATE OF JOSEPH F.  
GDANIEC, DECEASED,  
PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

JOSEPH CORIGLIANO, D.O., AND BUFFALO MEDICAL  
GROUP, P.C., DEFENDANTS-RESPONDENTS-APPELLANTS.

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CANTOR, LUKASIK, DOLCE & PANEPINTO, P.C., BUFFALO (EDWARD L. SMITH,  
III, OF COUNSEL), FOR PLAINTIFF-APPELLANT-RESPONDENT.

CONNORS & VILARDO, LLP, BUFFALO (JOHN T. LOSS OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS-APPELLANTS.

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Appeal and cross appeal from an order of the Supreme Court, Erie  
County (Joseph G. Makowski, J.), entered October 2, 2007 in a medical  
malpractice action. The order, among other things, granted  
defendants' motion to set aside the jury verdict and granted a new  
trial.

Now, upon the stipulation of discontinuance of action signed by  
the attorneys for the parties on April 29, 2009 and filed in the Erie  
County Clerk's Office on May 21, 2009,

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

Entered: June 5, 2009

Patricia L. Morgan  
Clerk of the Court