

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

1292

CA 09-00340

PRESENT: SCUDDER, P.J., MARTOCHE, SMITH, CARNI, AND GREEN, JJ.

WENDY D. AND MICHAEL S., INDIVIDUALLY
AND AS PARENTS AND NATURAL GUARDIANS OF
JOHN DOE, AN INFANT, PLAINTIFFS-RESPONDENTS,

V

ORDER

DEAN E. GOFF, DEFENDANT,
AND YOUNG MEN'S CHRISTIAN ASSOCIATION OF
LOCKPORT, NEW YORK, DEFENDANT-APPELLANT.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (VICTOR ALAN OLIVERI OF
COUNSEL), FOR DEFENDANT-APPELLANT.

WALSH, ROBERTS & GRACE, BUFFALO (JAMES R. WALSH OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered January 15, 2009 in a personal injury action. The order, among other things, granted plaintiffs' motion for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for plaintiffs-respondents and defendant-appellant on August 24 and 25, 2009,

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

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court