

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

1681.1

CA 08-02270

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, PINE, AND GORSKI, JJ.

NICOLE S. MAURER, PLAINTIFF-RESPONDENT,

V

ORDER

TOPS MARKETS, LLC, DEFENDANT-APPELLANT.

NICOLE S. MAURER, PLAINTIFF-RESPONDENT,

V

RAYMOND E. KISER, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

DIXON & HAMILTON, LLP, GETZVILLE (DENNIS P. HAMILTON OF COUNSEL), FOR
DEFENDANT-APPELLANT TOPS MARKETS, LLC.

RIVKIN RADLER LLP, UNIONDALE (MELISSA M. MURPHY OF COUNSEL), FOR
DEFENDANT-APPELLANT RAYMOND E. KISER.

PAUL WILLIAM BELTZ, P.C., BUFFALO (DEBRA A. NORTON OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeals from an order of the Supreme Court, Erie County (Joseph G. Makowski, J.), entered December 7, 2007 in a personal injury action. The order denied the motions of defendants for post-trial relief.

Now, upon reading and filing the stipulation discontinuing appeals signed by the attorneys for plaintiff and defendant Raymond E. Kiser on January 5, 2010,

It is hereby ORDERED that said appeal taken by defendant Raymond E. Kiser is unanimously dismissed upon stipulation and the appeal taken by defendant Tops Markets, LLC is dismissed without costs (see *Smith v Catholic Med. Ctr. of Brooklyn & Queens*, 155 AD2d 435; see also CPLR 5501 [a] [1], [2]).

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court