

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

**1442**

**CA 09-00848**

PRESENT: HURLBUTT, J.P., MARTOCHE, SMITH, CARNI, AND PINE, JJ.

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SWAN E. CARLSON, PLAINTIFF-RESPONDENT,

V

ORDER

JAMESTOWN HOUSING AUTHORITY, BRUCE D. BATTLER,  
INDIVIDUALLY AND AS CUSTODIAN OF SUSAN BATTLER  
AND DOING BUSINESS AS B & S MANAGEMENT, BARBARA  
SCHWARTZ, INDIVIDUALLY AND AS CUSTODIAN OF  
SANDRA SCHWARTZ AND ANDREA RIGNEY, FORMERLY  
KNOWN AS ANDREA SCHWARTZ AND DOING BUSINESS AS  
B & S MANAGEMENT, DEFENDANTS-APPELLANTS.

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BARTH SULLIVAN BEHR, BUFFALO (LAURENCE D. BEHR OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (DAVID G. HENRY OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Chautauqua County  
(James H. Dillon, J.), entered March 12, 2009 in a personal injury  
action. The order denied the motion of defendants for summary  
judgment dismissing the amended complaint.

Now, upon reading and filing the stipulation discontinuing appeal  
signed by the attorneys for the parties on December 18, 2009,

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

All concur except HURLBUTT, J.P., who is not participating.

Entered: March 19, 2010

Patricia L. Morgan  
Clerk of the Court