

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

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CA 10-00044

PRESENT: MARTOCHE, J.P., FAHEY, CARNI, SCONIERS, AND GREEN, JJ.

LIONEL SWANSON, AN INFANT, BY AND THROUGH
JENNIFER CHAFFEE, HIS PARENT AND NATURAL
GUARDIAN, AND JENNIFER CHAFFEE,
INDIVIDUALLY, PLAINTIFFS-RESPONDENTS,

V

ORDER

LOCKPORT MEMORIAL HOSPITAL, DEFENDANT,
AND MICHAEL A. TORRES, M.D.,
DEFENDANT-APPELLANT.

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (ELIZABETH G. ADYMY OF
COUNSEL), FOR DEFENDANT-APPELLANT.

DEMPSEY & DEMPSEY, BUFFALO (PATRICK J. MALONEY OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County
(Richard C. Kloch, Sr., A.J.), entered September 4, 2009. The order,
insofar as appealed from, denied the motion of defendant Michael A.
Torres, M.D. for summary judgment.

Now, upon reading and filing the stipulation withdrawing appeal
signed by the attorneys for the parties on April 8, 2010,

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

Entered: June 11, 2010

Patricia L. Morgan
Clerk of the Court