

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

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CA 10-01909

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

THERESA ROACH, PLAINTIFF-RESPONDENT,

V

ORDER

JOSEPH V. MARRA AND SUSAN E. MARRA,
DEFENDANTS-APPELLANTS.

LAW OFFICES OF LAURIE G. OGDEN, BUFFALO (LEO T. FABRIZI OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

JOHN F. DONOHUE, TONAWANDA, FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered April 22, 2010 in a personal injury action. The order granted the motion of plaintiff for summary judgment on the issue of liability, sua sponte granted plaintiff summary judgment on the issue of threshold injury and denied the cross motion of defendants for summary judgment.

Now, upon reading and filing the stipulation discontinuing appeal signed by the attorneys for the parties on February 11 and 22, 2011,

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

Entered: March 25, 2011

Patricia L. Morgan
Clerk of the Court