

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

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CA 11-02457

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND SCONIERS, JJ.

TERENCE WINTERS AND MAUREEN WINTERS,
PLAINTIFFS-RESPONDENTS,

V

ORDER

UNILAND DEVELOPMENT CORPORATION, UNILAND
CONSTRUCTION CORPORATION, COZZWILL, INC.,
DEFENDANTS,
AND BUREAU VERITAS CONSUMER PRODUCTS
SERVICES, INC., DEFENDANT-APPELLANT.

THE LAW OFFICES OF EDWARD M. EUSTACE, WHITE PLAINS (HEATH A. BENDER OF
COUNSEL), FOR DEFENDANT-APPELLANT.

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

BROWN & KELLY, LLP, BUFFALO (ANDREW D. MERRICK OF COUNSEL), FOR
DEFENDANTS UNILAND DEVELOPMENT CORPORATION AND UNILAND CONSTRUCTION
CORPORATION.

LIPPMAN O'CONNOR, BUFFALO (GERARD E. O'CONNOR OF COUNSEL), FOR
DEFENDANT COZZWILL INC.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (MELISSA A. FOTI OF COUNSEL),
FOR THIRD-PARTY DEFENDANT.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered October 12, 2011 in a personal injury action. The order, insofar as appealed from, denied the motion of defendant Bureau Veritas Consumer Products Services, Inc. for summary judgment.

Now, upon the stipulation discontinuing action signed by the attorneys for the parties on March 27, 2012, and filed in the Erie County Clerk's Office on March 28, 2012,

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

Entered: April 20, 2012

Frances E. Cafarell
Clerk of the Court