

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

**832**

**CA 14-02201**

PRESENT: CENTRA, J.P., CARNI, LINDLEY, AND DEJOSEPH, JJ.

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FARASA BROWN, PLAINTIFF-RESPONDENT,

V

ORDER

WILLIAM PHIPPS, DEFENDANT-APPELLANT.

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CABANISS CASEY LLP, ALBANY (BRIAN D. CASEY OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

LIPSITZ & PONTERIO LLC, BUFFALO (NEIL J. MCKINNON OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (John J. Ark, J.), entered September 27, 2014. The order withdrew the order of the court entered February 21, 2014, denied the motion of defendant for summary judgment and reinstated the complaint.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on July 15, 2015, and filed in the Monroe County Clerk's Office on July 30, 2015,

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

Entered: October 9, 2015

Frances E. Cafarell  
Clerk of the Court