

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT**

Neary v. St. Mary's Square Condominium Association

2026 NY Slip Op 03525 (N.Y. Ct. App. 2026) · No. CA 24-00467 · Decided June 5, 2026

SUMMARY

The New York Appellate Division, Fourth Department dismissed an appeal from an order denying a third-party defendant's motion for summary judgment in a condominium-related action. The appeal was dismissed without costs pursuant to the parties' stipulation of discontinuance.

OPINION

PER CURIAM.

Neary v St. Mary's Sq. Condominium Assn. - 2026 NY Slip Op 03525 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Neary v St. Mary's Sq. Condominium Assn. 2026 NY Slip Op 03525 June 5, 2026 Appellate Division, Fourth Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. BETH NEARY, PLAINTIFF-RESPONDENT, v ST. MARY'S SQUARE CONDOMINIUM ASSOCIATION, ET AL., DEFENDANT. ----- ST. MARY'S SQUARE CONDOMINIUM ASSOCIATION, THIRD-PARTY PLAINTIFF-RESPONDENT, REGAN LAWNCARE AND LANDSCAPING, INC., THIRD-PARTY DEFENDANT-APPELLANT.

Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department Decided on June 5, 2026 198/25 CA 24-00467 Present: Lindley, J.P., Bannister, Greenwood, Nowak, And Keane, JJ. GOMEZ LAW, LLC, BUFFALO (RAFAEL O. GOMEZ OF COUNSEL), FOR THIRD-PARTY DEFENDANT-APPELLANT. GOLDBERG SEGALLA LLP, BUFFALO (KRIS E. LAWRENCE OF COUNSEL), FOR THIRD-PARTY PLAINTIFF-RESPONDENT.

STEVE BOYD, P.C., BUFFALO (LEAH A. COSTANZO OF COUNSEL), FOR PLAINTIFF-RESPONDENT. Appeal from an order of the Supreme Court, Erie County (Kelly A. Vacco, J.), entered February 6, 2024. The order denied the motion of third-party defendant for summary judgment dismissing the third-party complaint. [*1] Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on April 21 and 23, 2025, and June 23,

2025, It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

All concur except Keane, J., who is not participating. Entered: June 5, 2026 Ann Dillon Flynn
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