

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

Ivey v. Swan Group Ltd. Partnership

2026 NY Slip Op 03595 · No. 518 CA 25-00538 · Decided June 5, 2026

OPINION

PER CURIAM.

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This decision is uncorrected and subject to revision before publication in the Official Reports.

WILLIE M. IVEY, PLAINTIFF-RESPONDENT, v SWAN GROUP LIMITED PARTNERSHIP, DEFENDANT-APPELLANT-RESPONDENT AND CR1 CONTRACTING, LLC, DEFENDANT-RESPONDENT-APPELLANT. ----- SWAN GROUP LIMITED PARTNERSHIP, THIRD-PARTY PLAINTIFF-APPELLANT-RESPONDENT, CR1 CONTRACTING, LLC, THIRD-PARTY DEFENDANT-RESPONDENT-APPELLANT, ET AL., THIRD-PARTY DEFENDANTS.

Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department Decided on June 5, 2026 518 CA 25-00538 Present: Lindley, J.P., Montour, Ogden, Nowak, And Delconte, JJ. WOOD SMITH HENNING & BERMAN LLP, WHITE PLAINS (MEGHAN A. DIBBINI OF COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT AND THIRD-PARTY PLAINTIFF-APPELLANT-RESPONDENT. RUPP PFALZGRAF LLC, ROCHESTER (MATTHEW A. LENHARD OF COUNSEL), FOR DEFENDANT-RESPONDENT-APPELLANT AND THIRD-PARTY DEFENDANT-RESPONDENT-APPELLANT.

THE BARNES FIRM P.C., ROCHESTER (BRETT L. MANSKE OF COUNSEL), FOR PLAINTIFF-RESPONDENT. Appeal and cross-appeal from an order of the Supreme Court, Monroe County (James A. Vazzana, J.), dated March 19, 2025. The order, among other things, denied in part the motions for summary judgment of defendant-third-party plaintiff and defendant-third-party defendant. [*1] Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 5, 2026, It is hereby ORDERED that said appeal and cross-appeal are unanimously dismissed without costs upon stipulation.

Entered: June 5, 2026 Ann Dillon Flynn Clerk of the Court Court Decisions All Court Decisions
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