

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

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CA 08-00820

PRESENT: SCUDDER, P.J., HURLBUTT, CENTRA, AND GORSKI, JJ.

THE LINKS AT BLACK CREEK, LLC,
PLAINTIFF-APPELLANT,

V

ORDER

BALLANTYNE DEVELOPMENT, LLC, ET AL.,
DEFENDANTS,
AND REXFORD-ALBANY MUNICIPAL SUPPLY
COMPANY, INC., DEFENDANT-RESPONDENT.

PHILLIPS LYTTLE LLP, ROCHESTER (STEVEN E. LAPRADE OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

COUCH DALE PC, LATHAM (KIMBERLEE J. DALE OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered June 29, 2007. The order denied in part plaintiff's motion for summary judgment.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties on December 17, 2008,

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

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court