

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

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CA 07-02244

PRESENT: SCUDDER, P.J., MARTOCHE, CENTRA, FAHEY, AND PERADOTTO, JJ.

WINDSONG LANE FARMS, PLAINTIFF-RESPONDENT,

V

ORDER

TELMARK, LLC, WELLS FARGO FINANCIAL
LEASING, INC., AND RONALD POPE,
DEFENDANTS-APPELLANTS.

MENTER, RUDIN & TRIVELPIECE, P.C., SYRACUSE (JULIAN B. MODESTI OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

HISCOCK & BARCLAY, LLP, SYRACUSE (GABRIEL M. NUGENT OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Jefferson County
(Joseph D. McGuire, J.), entered September 26, 2007 in an action for
breach of contract and negligence. The order denied defendants'
motion for summary judgment.

Now, upon reading and filing the stipulation to withdraw appeal
signed by the attorneys for the parties on December 2 and 8, 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