

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

1619

CA 08-01163

PRESENT: SCUDDER, P.J., MARTOCHE, SMITH, GREEN, AND GORSKI, JJ.

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CHARLES SOULIER AND BARBARA SOULIER,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

RADIATOR SPECIALTY COMPANY, ET AL., DEFENDANTS,  
AND SAFETY-KLEEN SYSTEMS, INC.,  
DEFENDANT-APPELLANT.

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PETRONE & PETRONE, P.C., SYRACUSE (DAVID H. WALSH, IV, OF COUNSEL),  
AND JONES CARR MCGOLDRICK, L.L.P., DALLAS, TEXAS, FOR  
DEFENDANT-APPELLANT.

MCMAHON, KUBLICK & SMITH, P.C., SYRACUSE, SHRADER & ASSOCIATES, LLP,  
HOUSTON, TEXAS (ROSS D. STOMEL OF COUNSEL), FOR PLAINTIFFS-  
RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County (John C. Cherundolo, J.), entered February 6, 2008. The order, insofar as appealed from, directed defendant Safety-Kleen Systems, Inc. to provide discovery responses to plaintiffs.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties on December 23, 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