

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

1686.2

CA 08-01105

PRESENT: SCUDDER, P.J., HURLBUTT, FAHEY, PERADOTTO, AND PINE, JJ.

RAYMOND S. SWAN, JR. AND DORIS J. SWAN,
PLAINTIFFS-RESPONDENTS,

V

ORDER

ANDREW J. INGERSOLL, ET AL., DEFENDANTS,
CRICKET COMMUNICATIONS, INC., LEAP WIRELESS
INTERNATIONAL, INC. AND PBS CONSULTANTS CORP.,
DEFENDANTS-APPELLANTS.

LAW OFFICES OF LAURIE G. OGDEN, BUFFALO (JOHN WALLACE OF COUNSEL), FOR
DEFENDANTS-APPELLANTS CRICKET COMMUNICATIONS, INC. AND LEAP WIRELESS
INTERNATIONAL, INC.

HURWITZ & FINE, P.C., BUFFALO (V. CHRISTOPHER POTENZA OF COUNSEL), FOR
DEFENDANT-APPELLANT PBS CONSULTANTS CORP.

CONNORS & VILARDO, LLP, BUFFALO (AMY C. MARTOCHE AND TERENCE M.
CONNORS OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

BOUVIER PARTNERSHIP, LLP, BUFFALO (JOSHUA P. RUBIN OF COUNSEL), FOR
DEFENDANT ANDREW J. INGERSOLL.

JAECKLE FLEISCHMANN & MUGEL, LLP, BUFFALO (DAVID G. BROCK OF COUNSEL),
FOR DEFENDANTS NOCO EXPRESS AND NOCO ENERGY CORP.

Appeals from an order of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered March 20, 2008 in a personal injury action. The order denied the motions of defendants Cricket Communications, Inc., Leap Wireless International, Inc. and PBS Consultants Corp. for summary judgment dismissing the amended complaint and cross claims against them.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for plaintiffs and defendant PBS Consultants Corp. on December 11, 2008, and upon reading the stipulation of discontinuance of action signed by the attorneys for plaintiffs and defendants Andrew J. Ingersoll, Noco Express, Noco Energy Corp., Cricket Communications, Inc. and Leap Wireless International, Inc. on January 2, 2009 and filed in the Erie County Clerk's Office on January 5, 2009,

It is hereby ORDERED that said appeals are unanimously dismissed

without costs upon stipulations.

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court