

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

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CA 08-00796

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND PINE, JJ.

SENECA PIPE & PAVING CO., INC.,
PLAINTIFF-APPELLANT,

V

ORDER

SOUTH SENECA CENTRAL SCHOOL DISTRICT,
DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

LAW OFFICE OF JOSEPH A. CAMARDO, AUBURN (KEVIN M. COX OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

MATTHEW R. FLETCHER, CAYUGA, FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Seneca County (David Michael Barry, J.), entered August 23, 2007. The order granted defendant's cross motion for summary judgment.

Now, upon reading and filing the stipulation of settlement and discontinuance signed by the attorneys for the parties on February 23, 2009,

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

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court