

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

1000.1

CA 08-01937

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, GREEN, AND GORSKI, JJ.

CARL MAIS, PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

AJC ASSOCIATES, LP, TOPS MARKETS, LLC., AND
JAVEN CONSTRUCTION COMPANY, INC.,
DEFENDANTS-APPELLANTS-RESPONDENTS.

GOLDBERG SEGALLA LLP, ROCHESTER (MELANIE S. WOLK OF COUNSEL), FOR
DEFENDANTS-APPELLANTS-RESPONDENTS.

CHRISTIANO GALLANT AND COLETTI, ROCHESTER (ALBERT R. CHRISTIANO OF
COUNSEL), FOR PLAINTIFF-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court,
Monroe County (Matthew A. Rosenbaum, J.), entered March 31, 2008 in a
personal injury action. The order, among other things, denied in part
defendants' cross motion for summary judgment.

Now, upon the stipulation of discontinuance signed by the
attorneys for the parties on May 7, 2009 and filed in the Monroe
County Clerk's Office on June 9, 2009,

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

Entered: October 2, 2009

Patricia L. Morgan
Clerk of the Court