

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

1064

CA 08-02620

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

WILLIAM C. THAYER, PLAINTIFF-RESPONDENT,

V

ORDER

SEAN W. BROOKS, DEFENDANT-APPELLANT.

BURKE, SCOLAMIERO, MORTATI & HURD, LLP, ALBANY (JEFFREY EARL HURD OF COUNSEL), FOR DEFENDANT-APPELLANT.

LOCKWOOD & GOLDEN, UTICA (LAWRENCE W. GOLDEN OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered September 23, 2008 in a personal injury action. The order, insofar as appealed from, denied defendant's motion to dismiss the complaint.

Now, upon reading and filing the stipulation of discontinuance of appeal signed by the attorneys for the parties on July 8, 2009,

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

Entered: October 2, 2009

Patricia L. Morgan
Clerk of the Court