

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

**1128**

**CA 09-00442**

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

---

SURF CITY ENTERPRISES OF SYRACUSE, INC.,  
PLAINTIFF-RESPONDENT,

V

ORDER

LAURA VANWERT, DANA MORAN,  
HEATHER COLLURA, AND THE DAILY ORANGE CORP.,  
DEFENDANTS-APPELLANTS.

---

DAVIS WRIGHT TREMAINE LLP, NEW YORK CITY (CHRISTOPHER J. ROBINSON OF  
COUNSEL), AND MACKENZIE HUGHES LLP, SYRACUSE, FOR  
DEFENDANTS-APPELLANTS.

LAW OFFICES OF PAT KELLY, ESQ., PLANO, TEXAS (PAT KELLY OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT.

---

Appeal from an order of the Supreme Court, Onondaga County (John C. Cherundolo, A.J.), entered May 5, 2008. The order, insofar as appealed from, denied in part defendants' motion to dismiss the complaint.

Now, upon reading and filing the stipulation of withdrawal signed by the attorneys for the parties on July 9, 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