

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

**1206**

**CA 08-02597**

PRESENT: HURLBUTT, J.P., MARTOCHE, CENTRA, GREEN, AND GORSKI, JJ.

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JOSEPH DELLERBA, PLAINTIFF-APPELLANT,

V

ORDER

CYNTHIA R. MORGAN, DEFENDANT-RESPONDENT,  
ET AL., DEFENDANTS.

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BRINDISI, MURAD, BRINDISI, PEARLMAN, JULIAN & PERTZ, LLP, UTICA  
(ANTHONY J. BRINDISI OF COUNSEL), FOR PLAINTIFF-APPELLANT.

GREENE, HERSHDORFER & SHARPE, SYRACUSE (LORRAINE RANN MERTELL OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (John W. Grow, J.), entered September 16, 2008 in a personal injury action. The order, among other things, granted the motion of defendant Cynthia R. Morgan for summary judgment dismissing the complaint and cross claims against her.

Now, upon reading and filing the stipulation to discontinue appeal signed by the attorneys for the parties on August 25 and 31, 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