

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

**1326**

**CA 08-02282**

PRESENT: MARTOCHE, J.P., SMITH, PERADOTTO, GREEN, AND PINE, JJ.

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STANLEY E. KALWARA, PLAINTIFF,

V

ORDER

SAMUEL L. LAMANNA, ET AL., DEFENDANTS.

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SAMUEL L. LAMANNA AND CYNTHIA LAMANNA,  
THIRD-PARTY PLAINTIFFS-RESPONDENTS,

V

KENNETH FASOLO, ALSO KNOWN AS KENNETH  
FASOLO, SR., THIRD-PARTY DEFENDANT,  
BANKER'S TITLE AND ABSTRACT LLC,  
THIRD-PARTY DEFENDANT-RESPONDENT,  
AND ABN AMRO MORTGAGE GROUP, INC.,  
THIRD-PARTY DEFENDANT-APPELLANT.

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FEIN SUCH & CRANE LLP, ROCHESTER (DAVID P. CASE OF COUNSEL), FOR  
THIRD-PARTY DEFENDANT-APPELLANT.

LONGERETTA LAW FIRM, UTICA (JOHN A. LONGERETTA OF COUNSEL), FOR  
THIRD-PARTY PLAINTIFFS-RESPONDENTS.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (PATRICK B. SARDINO OF  
COUNSEL), FOR THIRD-PARTY DEFENDANT-RESPONDENT.

DUANE MORRIS LLP, PHILADELPHIA, PENNSYLVANIA (BRETT L. MESSINGER OF  
COUNSEL), FOR DEFENDANT FIRST HORIZON LOAN CORPORATION, NOW KNOWN AS  
FIRST HORIZON HOME LOANS, A DIVISION OF FIRST TENNESSEE BANK NATIONAL  
ASSOCIATION.

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Appeal from an order and judgment (one paper) of the Supreme  
Court, Oneida County (Robert F. Julian, J.), entered February 1, 2008.  
The order and judgment, insofar as appealed from, denied the cross  
motion of third-party defendant ABN AMRO Mortgage Group, Inc. for  
summary judgment dismissing the third-party complaint against it.

Now, upon reading and filing the stipulation to withdraw appeal  
signed by the attorneys for the parties and filed on September 29,  
2009,

It is hereby ORDERED that said appeal is unanimously dismissed

without costs upon stipulation.

Entered: November 13, 2009

Patricia L. Morgan  
Clerk of the Court