

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

1574

CA 09-01306

PRESENT: CENTRA, J.P., PERADOTTO, GREEN, AND PINE, JJ.

IN THE MATTER OF BRYANT HUTCHERSON,
CLAIMANT-RESPONDENT,

V

ORDER

ROCHESTER CITY SCHOOL DISTRICT,
RESPONDENT-APPELLANT.

CHARLES G. JOHNSON, ROCHESTER (MICHAEL E. DAVIS OF COUNSEL), FOR
RESPONDENT-APPELLANT.

FITZSIMMONS, NUNN, FITZSIMMONS & PLUKAS, LLP, ROCHESTER (RICHARD A.
PLUKAS OF COUNSEL), FOR CLAIMANT-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered September 16, 2008. The order granted the application of claimant for leave to serve a late notice of claim.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on November 11, 2009, and filed in the Monroe County Clerk's Office on December 4, 2009,

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

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court