

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

80

CA 09-01338

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

LUKE MICHAEL, CLAIMANT-RESPONDENT,

V

ORDER

STATE OF NEW YORK, DEFENDANT-APPELLANT.
(CLAIM NO. 111667.)

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

HANCOCK & ESTABROOK, LLP, SYRACUSE (THOMAS C. CAMBIER OF COUNSEL), FOR CLAIMANT-RESPONDENT.

Appeal from an order of the Court of Claims (Diane L. Fitzpatrick, J.), entered March 27, 2009 in a personal injury action. The order, insofar as appealed from, denied in part defendant's motion for summary judgment.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties on December 8, 2009,

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

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court