

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

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CA 09-00412

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, GREEN, AND GORSKI, JJ.

LIZA A. TURNER, AS ADMINISTRATRIX OF THE
ESTATE OF BRIAN K. TURNER, DECEASED, AND
LIZA A. TURNER, INDIVIDUALLY AND AS SURVIVING
SPOUSE AND AS PARENT AND NATURAL GUARDIAN OF
COURTNEY TURNER, JONATHAN TURNER, TYLER
TURNER AND ANDREW TURNER, INFANTS UNDER 14
YEARS OF AGE, PLAINTIFF-RESPONDENT,

ORDER

V

STEVE M. VULCAN, ET AL., DEFENDANTS,
AND BALDWINVILLE LODGE NO. 644, LOYAL ORDER
OF MOOSE, DEFENDANT-APPELLANT.

LEWIS BRISBOIS BISGAARD & SMITH LLP, NEW YORK CITY (GEORGE CATLETT OF
COUNSEL), FOR DEFENDANT-APPELLANT.

GERMAIN & GERMAIN, LLP, SYRACUSE (PAUL A. GERMAIN OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County (Brian F. DeJoseph, J.), entered December 1, 2008 in an action for, inter alia, wrongful death. The order, insofar as appealed from, denied in part the motion of defendant Baldwinsville Lodge No. 644, Loyal Order of Moose, for summary judgment.

Now, upon reading and filing the stipulation discontinuing appeal signed by the attorneys for the parties to the appeal on December 1, 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