

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

**984**

**OP 10-00167**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GORSKI, JJ.

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IN THE MATTER OF INNTEL MANAGEMENT CORPORATION  
AND DANIEL HOMIK, PETITIONERS,

V

ORDER

CITY OF CANANDAIGUA AND CITY OF CANANDAIGUA  
CITY COUNCIL, RESPONDENTS.

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HISCOCK & BARCLAY, LLP, BUFFALO (MARK R. MCNAMARA OF COUNSEL), FOR  
PETITIONERS.

GILBERTI, STINZIANO, HEINTZ & SMITH P.C., SYRACUSE (KEVIN G. ROE OF  
COUNSEL), FOR RESPONDENTS.

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Proceeding pursuant to EDPL 207 (initiated in the Appellate  
Division of the Supreme Court in the Fourth Judicial Department  
pursuant to CPLR 506 [b]) to annul a determination of respondents to  
acquire certain real property by eminent domain.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties and filed June 2, 2010,

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

Entered: October 1, 2010

Patricia L. Morgan  
Clerk of the Court