

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

**985**

**CA 09-01686**

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

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GOD OF THUNDER PRODUCTIONS, INC.,  
PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

ALESSANDRO STAROPOLI AND LUCA TURILLI,  
INDIVIDUALLY AND AS MEMBERS OF THE MUSICAL  
GROUP "RHAPSODY OF FIRE," FORMERLY KNOWN AS  
"RHAPSODY," DEFENDANTS-APPELLANTS-RESPONDENTS.

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BOND, SCHOENECK & KING, PLLC, SYRACUSE (JOHN G. MCGOWAN OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS-RESPONDENTS.

THE THURSTON LAW OFFICE, P.C., AUBURN (DAVID B. THURSTON OF COUNSEL),  
FOR PLAINTIFF-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Supreme Court, Cayuga County (Kenneth R. Fisher, J.), entered July 31, 2009 in a breach of contract action. The order denied the motion of defendants to dismiss the complaint and to vacate the default judgment against defendant Luca Turilli.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 3 and June 1, 2010,

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

Entered: October 1, 2010

Patricia L. Morgan  
Clerk of the Court