

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

1112

CA 10-00729

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

MAGIC CIRCLE MUSIC, LTD., AND JOEY DEMAIIO,
PLAINTIFFS-RESPONDENTS-APPELLANTS,

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.

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

DAVID B. THURSTON, AUBURN, FOR PLAINTIFFS-RESPONDENTS-APPELLANTS.

Appeal and cross appeal from an order of the Supreme Court,
Cayuga County (Kenneth R. Fisher, J.), entered July 31, 2009. 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