

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

1132

CA 09-02429

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND PINE, JJ.

STEPHEN TURNER, PLAINTIFF-APPELLANT,

V

ORDER

CSX TRANSPORTATION, INC., ET AL.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

COLLINS, COLLINS & DONOGHUE, P.C., BUFFALO (PATRICK DONOGHUE OF
COUNSEL), FOR PLAINTIFF-APPELLANT.

ANSPACH MEEKS ELLENBERGER, LLP, BUFFALO (STEVEN E. CARR OF COUNSEL),
FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered February 6, 2009 in a personal injury action. The order determined the interest rate to be applied to the money judgment for plaintiff.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on July 1, 2010, and filed in the Erie County Clerk's Office on July 1, 2010,

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

Entered: October 1, 2010

Patricia L. Morgan
Clerk of the Court