

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

1133

CA 09-02575

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. 2.)

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 amended judgment of the Supreme Court, Erie County
(Frederick J. Marshall, J.), entered March 4, 2009 in a personal
injury action. The amended judgment awarded plaintiff money damages
upon a jury verdict.

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