

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

1619

CA 10-01426

PRESENT: MARTOCHE, J.P., CARNI, LINDLEY, AND SCONIERS, JJ.

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JARVIS CARR, JR., PLAINTIFF-APPELLANT,

V

ORDER

COUNTY OF NIAGARA, DEFENDANT-RESPONDENT.

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LAW OFFICES OF JAMES E. MORRIS, BUFFALO (JOSHUA P. RUBIN OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

SLIWA & LANE, BUFFALO (MICHAEL T. COUTU OF COUNSEL), FOR DEFENDANT-  
RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County  
(Richard C. Kloch, Sr., A.J.), entered November 13, 2009 in a personal  
injury action. The order denied the motion of plaintiff for summary  
judgment on liability.

Now, upon the stipulation of discontinuance signed by the  
attorneys for the parties on September 30, 2010, and filed in the  
Niagara County Clerk's Office on October 15, 2010,

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

Entered: December 30, 2010

Patricia L. Morgan  
Clerk of the Court