

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

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CA 10-02215

PRESENT: SMITH, J.P., FAHEY, CARNI, LINDLEY, AND GORSKI, JJ.

GLENEAGLES SHOPPING CENTER PLANO, TX. LIMITED
PARTNERSHIP, PLAINTIFF-APPELLANT,

V

ORDER

FITNESS EVOLUTION, L.P., JOSEPH S. MULROY,
DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANTS.

BOND, SCHOENECK & KING, PLLC, ROCHESTER (BRIAN LAUDADIO OF COUNSEL),
FOR PLAINTIFF-APPELLANT.

ELLENOFF GROSSMAN & SCHOLE LLP, NEW YORK CITY (RICHARD P. KAYE OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Monroe County (William P. Polito, J.), entered August 27, 2010. The order granted the motion of defendants Fitness Evolution, L.P. and Joseph S. Mulroy to dismiss the complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on April 1, 2011,

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

Entered: April 29, 2011

Patricia L. Morgan
Clerk of the Court