

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

1341

CA 11-01159

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, GREEN, AND MARTOCHE, JJ.

J&S CONVEYERS REALTY, LLC, PLAINTIFF-RESPONDENT,

V

ORDER

ROBERT F. GREENBAUM, ET AL., DEFENDANTS,
POINKERS, INC., AS SUCCESSOR IN INTEREST TO
CUSTOM AIR DESIGN, INC., DEFENDANT-APPELLANT.

UNDERBERG & KESSLER LLP, ROCHESTER (WILLIAM E. BRUECKNER OF COUNSEL),
FOR DEFENDANT-APPELLANT.

HISCOCK & BARCLAY LLP, ROCHESTER (JAMES S. GROSSMAN OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from a judgment of the Supreme Court, Ontario County (John J. Ark, J.), entered August 6, 2010. The judgment awarded plaintiff the sum of \$140,144.80 against defendant Poinkers, Inc., as successor in interest to Custom Air Design, Inc.

Now, upon reading and filing the stipulation of dismissal signed by the attorneys for the parties on January 18 and 20, 2012,

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

All concur except GREEN, J., who is not participating.

Entered: February 10, 2012

Frances E. Cafarell
Clerk of the Court