

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

**922**

**CA 14-00270**

PRESENT: CENTRA, J.P., CARNI, VALENTINO, AND WHALEN, JJ.

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SCAN TUBE & STEEL SERVICES, LTD.,  
PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

ALTX, INC., TUBACEX & COTUBES CANADA INC.,  
DEFENDANTS-RESPONDENTS-APPELLANTS,  
AND TUBACEX CANADA, INC., DEFENDANT-RESPONDENT.

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WEBSTER SZANYI LLP, BUFFALO (KEVIN T. O'BRIEN OF COUNSEL), FOR  
PLAINTIFF-APPELLANT-RESPONDENT.

DAMON MOREY LLP, BUFFALO (BRIAN D. GWITT OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS-APPELLANTS AND DEFENDANT-RESPONDENT.

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Appeal and cross appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered April 18, 2013. The order granted in part and denied in part the motion of defendants for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on August 26, 2014,

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

Entered: September 26, 2014

Frances E. Cafarell  
Clerk of the Court