

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

1136

CA 09-00301

PRESENT: HURLBUTT, J.P., FAHEY, PERADOTTO, GREEN, AND PINE, JJ.

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SHERIDAN CAR WASH, INC., DOING BUSINESS AS  
DR. HUGGS CAR WASH, PLAINTIFF-RESPONDENT,

V

ORDER

MOUNTAIN VALLEY INDEMNITY COMPANY,  
DEFENDANT-APPELLANT.

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SHERIDAN CAR WASH, INC., DOING BUSINESS AS  
DR. HUGGS CAR WASH, PLAINTIFF,

V

BROWN & BROWN OF NEW YORK, INC., DEFENDANT.

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METHFESSEL & WERBEL, P.C., NEW YORK CITY (FREDRIC P. GALLIN OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

FRANK T. GAGLIONE, P.C., AMHERST (FRANK T. GAGLIONE OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County  
(Christopher J. Burns, J.), entered April 25, 2008. The order, among  
other things, granted plaintiff's motion for partial summary judgment  
against defendant Mountain Valley Indemnity Company.

Now, upon reading and filing the stipulation discontinuing appeal  
signed by the attorneys for the parties on April 17 and 24, 2009,

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

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court