

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

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CA 10-02061

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

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RUSSELL YOUKER, PLAINTIFF-RESPONDENT,  
ET AL., PLAINTIFF,

V

ORDER

VILLAGE OF DOLGEVILLE, ET AL., DEFENDANTS,  
MICHAEL SWARTZ AND FRANK BEAULIEU,  
DEFENDANTS-APPELLANTS.  
(ACTION NO. 1.)  
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VILLAGE OF DOLGEVILLE, PLAINTIFF,

V

THE NEW YORK MUNICIPAL INSURANCE  
RECIPROCAL, DEFENDANT.  
(ACTION NO. 2.)  
(APPEAL NO. 1.)

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TOWNE, RYAN & PARTNERS, P.C., ALBANY (CLAUDIA A. RYAN OF COUNSEL), FOR  
DEFENDANT-APPELLANT MICHAEL SWARTZ.

FITZGERALD MORRIS BAKER FIRTH P.C., GLENS FALLS (JILL E. O'SULLIVAN OF  
COUNSEL), FOR DEFENDANT-APPELLANT FRANK BEAULIEU.

CHRISTOPHER J. PELLI, UTICA, FOR PLAINTIFF-RESPONDENT.

MCLANE SMITH AND LASCURETTES, LLP, UTICA (TODD M. LASCURETTES OF  
COUNSEL), FOR PLAINTIFF VILLAGE OF DOLGEVILLE.

CONGDON FLAHERTY O'CALLAGHAN REID DONLON TRAVIS & FISHLINGER,  
UNIONDALE (RICHARD NICOLELLO OF COUNSEL), FOR DEFENDANT THE NEW YORK  
MUNICIPAL INSURANCE RECIPROCAL.

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Appeals from an order of the Supreme Court, Herkimer County  
(Anthony F. Shaheen, J.), entered August 26, 2010. The order, among  
other things, denied in part the motions of defendants Michael Swartz  
and Frank Beaulieu for summary judgment.

Now, upon reading and filing the stipulation of withdrawal signed  
by the attorneys for the parties on February 3, 26 and 29, 2012 and  
March 5 and 7, 2012,

It is hereby ORDERED that said appeals are dismissed without

costs upon stipulation.

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

Entered: March 16, 2012

Frances E. Cafarell  
Clerk of the Court