

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

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**CA 13-01325**

PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, CARNI, AND VALENTINO, JJ.

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ROAR LOGISTICS, INC., PLAINTIFF-RESPONDENT,

V

ORDER

JET PLASTICA INDUSTRIES, INC., ET AL., DEFENDANTS,  
MCG CAPITAL CORPORATION, DENNIS GERRARD AND RON  
TURCOTTE, DEFENDANTS-APPELLANTS.

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KASOWITZ, BENSON, TORRES & FRIEDMAN LLP, NEW YORK CITY (MICHAEL C.  
HARWOOD OF COUNSEL), FOR DEFENDANT-APPELLANT MCG CAPITAL CORPORATION.

KNOX, MCLAUGHLIN, GORNALL & SENNETT, P.C., ERIE, PENNSYLVANIA (PETER  
W. YOARS, JR., OF COUNSEL), FOR DEFENDANTS-APPELLANTS DENNIS GERRARD  
AND RON TURCOTTE.

PHILLIPS LYTTLE LLP, BUFFALO (JOANNA DICKINSON OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeals from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered April 25, 2013. The order, insofar as appealed from, denied the motion of defendants Dennis Gerrard and Ron Turcotte to dismiss the amended complaint against them and denied in part the motion of defendant MCG Capital Corporation to dismiss the amended complaint against it.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on February 11 and 20, 2014,

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

Entered: May 2, 2014

Frances E. Cafarell  
Clerk of the Court