

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

**1184**

**CA 19-00029**

PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

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U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE  
FOR THE REGISTERED HOLDERS OF BANC OF AMERICA  
COMMERCIAL MORTGAGE INC., COMMERCIAL MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2006-2,  
ACTING BY AND THROUGH ITS SPECIAL SERVICER  
C-III ASSET MANAGEMENT LLC, PLAINTIFF-APPELLANT,

V

ORDER

CCCF RIVER GLEN HOLDINGS, INC., KMART CORPORATION,  
CAYUGA COMMUNITY COLLEGE, DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANT.  
(APPEAL NO. 1.)

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KILPATRICK TOWNSEND & STOCKTON LLP, NEW YORK CITY (KEITH M. BRANDOFINO  
OF COUNSEL), FOR PLAINTIFF-APPELLANT.

COSTELLO, COONEY & FEARON, PLLC, CAMILLUS (ANTHONY R. HANLEY OF  
COUNSEL), FOR DEFENDANT-RESPONDENT CCCF RIVER GLEN HOLDINGS, INC.

J. GREENBERGER, PLLC, NEW YORK CITY (JORDAN GREENBERGER OF COUNSEL),  
FOR DEFENDANT-RESPONDENT KMART CORPORATION.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (BRIAN J. BUTLER OF COUNSEL),  
FOR DEFENDANT-RESPONDENT CAYUGA COMMUNITY COLLEGE.

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Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered June 14, 2018. The order, among other things, denied those parts of plaintiff's motion to partially discontinue this action solely as against defendants Kmart Corporation and Cayuga Community College and to amend and modify the judgment of foreclosure and sale by removing Kmart Corporation and Cayuga Community College as defendants.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties,

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

Entered: December 20, 2019

Mark W. Bennett  
Clerk of the Court