

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

740

CA 10-00112

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

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THE INDIUM CORPORATION OF AMERICA,  
PLAINTIFF-APPELLANT,

V

ORDER

MCP GROUP SA, ATLUMIN ENERGY, INC.,  
GREGORY PHIPPS, DAVID PREISCHE, FAHEZAN  
SAYED, JACOB DIBARI, AND XIAOTAO XU,  
DEFENDANTS-RESPONDENTS.

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DEBEVOISE & PLIMPTON LLP, NEW YORK CITY (JYOTIN HAMID OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

HARTER SECREST & EMERY LLP, ROCHESTER (JEFFREY J. CALABRESE OF  
COUNSEL), AND GETNICK LIVINGSTON ATKINSON & PRIORE, LLP, UTICA  
(MICHAEL E. GETNICK OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Oneida County (Anthony  
F. Shaheen, J.), entered August 31, 2009. The order, among other  
things, granted defendants' cross motion to dismiss the complaint.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Entered: June 11, 2010

Patricia L. Morgan  
Clerk of the Court