

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

849

CA 10-00350

PRESENT: MARTOCHE, J.P., FAHEY, CARNI, SCONIERS, AND GREEN, JJ.

JODI S. LABAR, PLAINTIFF-RESPONDENT,

V

ORDER

PHILLIPS MOSEZELL, DEFENDANT-APPELLANT.

KAPLAN, HANSON, MCCARTHY, ADAMS, FINDER & FISHBEIN, WILLIAMSVILLE
(JENNIFER ADAMS OF COUNSEL), FOR DEFENDANT-APPELLANT.

HANDELMAN, WITKOWICZ & LEVITSKY, ROCHESTER (STEVEN M. WITKOWICZ OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (David Michael Barry, J.), entered April 28, 2009 in an action for property damages. The order denied the motion of defendant to dismiss the complaint.

Now, upon the stipulation discontinuing action signed by the attorneys for the parties on March 26, 2010 and filed in the Monroe County Clerk's Office on April 8, 2010,

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

Entered: June 11, 2010

Patricia L. Morgan
Clerk of the Court