

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

1066

CA 09-02227

PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, SCONIERS, AND PINE, JJ.

RAYMOND S. SWAN, JR. AND DORIS J. SWAN,
PLAINTIFFS-RESPONDENTS,

V

ORDER

ANDREW J. INGERSOLL, DEFENDANT-RESPONDENT,
AND NOCO EXPRESS, A DIVISION OF NOCO ENERGY
CORP., DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

JAECKLE, FLEISCHMANN & MUGEL, LLP, BUFFALO (DAVID G. BROCK OF
COUNSEL), FOR DEFENDANT-APPELLANT.

CONNORS & VILARDO, LLP, BUFFALO (AMY C. MARTOCHE OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

BOUVIER PARTNERSHIP, LLP, BUFFALO (NORMAN E.S. GREENE OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered June 11, 2009 in a personal injury action. The judgment awarded plaintiffs the sum of \$2,472,243.30 against defendant Noco Express, a Division of Noco Energy Corp.

Now, upon the stipulation of discontinuance of action signed by the attorneys for the parties on November 16, 2010, and filed in the Erie County Clerk's Office on November 22, 2010,

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

Entered: December 30, 2010

Patricia L. Morgan
Clerk of the Court