

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

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CA 10-01807

PRESENT: SCUDDER, P.J., FAHEY, CARNI, GREEN, AND GORSKI, JJ.

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FS KIDS, LLC, DOING BUSINESS AS BUDWEY'S  
FOOD MARKET, MASK FOODS, INC., VALU HOME  
CENTERS, INC., KBLM FOODS, INC., DOING  
BUSINESS AS BLASDELL JUBILEE, KDJB  
FOODS, INC., DOING BUSINESS AS SAVE-A-LOT  
LACKAWANNA, GAIGE & SON GROCERY, INC.,  
DOING BUSINESS AS CORNING JUBILEE, TJ'S  
MARKET, INC., DOING BUSINESS AS HORSEHEADS  
JUBILEE, BB&T SUPERMARKETS INC., DOING  
BUSINESS AS ATTICA JUBILEE, BNR-LARSON, LLC,  
DOING BUSINESS AS CORFU IGA, AND GIFT EXPRESS  
OF NEW YORK, INC., DOING BUSINESS AS THE  
MARKET IN THE SQUARE, ON THEIR OWN BEHALF  
AND ON BEHALF OF ALL OTHERS SIMILARLY  
SITUATED AS THEY, AS FORMER EMPLOYEE  
MEMBERS/PARTICIPANTS IN THE WHOLESALE AND  
RETAIL WORKERS' COMPENSATION TRUST OF NEW  
YORK, PLAINTIFFS-APPELLANTS,

ORDER

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COMPENSATION RISK MANAGERS, LLC,  
DEFENDANT-RESPONDENT.

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PHILLIPS LYTTLE LLP, BUFFALO (KENNETH A. MANNING OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

CONNORS & VILARDO, LLP, BUFFALO (ERIC M. SOEHNLEIN OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered August 4, 2009 in a breach of contract action. The order, among other things, denied plaintiffs' motion to supplement the record.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties on March 30, 2011,

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

Entered: April 29, 2011

Patricia L. Morgan  
Clerk of the Court