

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

1514

CA 08-01178

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, AND PINE, JJ.

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IBITSAM TAHER ABUHAMRA, INDIVIDUALLY AND AS  
PARENT AND NATURAL GUARDIAN OF HAZAM K. ABUHAMRA,  
AN INFANT, AND AS ASSIGNEE OF MOHAMAD KAID,  
INDIVIDUALLY AND AS PARENT AND NATURAL GUARDIAN  
OF MUSTHAQ KAID, PLAINTIFF-RESPONDENT,

V

ORDER

NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY,  
DEFENDANT-APPELLANT.

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TREVETT CRISTO SALZER & ANDOLINA P.C., ROCHESTER (LOUIS B. CRISTO OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

LAW OFFICES OF JAMES MORRIS, BUFFALO (WILLARD M. POTTLE, JR., OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered March 31, 2008. The order, insofar as appealed, granted in part plaintiff's motion for summary judgment and denied defendant's cross motion for summary judgment.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties on February 19 and 20, 2009,

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

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court