

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

850

**CA 09-02524**

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

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CONNIE L. JOHNSON, PLAINTIFF-RESPONDENT,

V

ORDER

JOSHUA G. ROSE AND EUGENE F. ROSE, JR.,  
DEFENDANTS-APPELLANTS.

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LEVENE, GOULDIN & THOMPSON, BINGHAMTON (MARIA LISI-MURRAY OF COUNSEL),  
FOR DEFENDANTS-APPELLANTS.

LAW OFFICE OF JACOB P. WELCH, CORNING (JACOB P. WELCH OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Steuben County  
(Marianne Furfure, A.J.), entered May 14, 2009 in a personal injury  
action. The order, among other things, denied defendants' motion for  
summary judgment.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on March 22, 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