

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

1028

CA 10-00409

PRESENT: SCUDDER, P.J., MARTOCHE, SMITH, FAHEY, AND GREEN, JJ.

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DOUG BURNETT AND KELLY BURNETT,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

COLUMBUS MCKINNON CORPORATION,  
DEFENDANT-APPELLANT.

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AMIGONE, SANCHEZ, MATTREY & MARSHALL, LLP, BUFFALO (RICHARD A. CLACK  
OF COUNSEL), FOR DEFENDANT-APPELLANT.

HOVDE DASSOW & DEETS LLC, INDIANAPOLIS, INDIANA (NICHOLAS C. DEETS OF  
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

MATTHIESEN WICKERT LEHRER, S.C., HARTFORD, WISCONSIN (GARY L. WICKERT  
OF COUNSEL), FOR INTERVENOR FRANKENMUTH MUTUAL INSURANCE COMPANY.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 18, 2009. The order, insofar as appealed from, denied in part the motion of defendant for summary judgment.

Now, upon reading and filing the stipulation discontinuing appeal signed by the attorneys for the parties on September 8, 2010,

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

Entered: October 8, 2010

Patricia L. Morgan  
Clerk of the Court