

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

877

CA 11-00558

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

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DAVID LEAVINES, PLAINTIFF-RESPONDENT,

V

ORDER

HUEBER-BREUER CONSTRUCTION CO., INC. AND  
ELMCREST CHILDREN'S CENTER, INC.,  
DEFENDANTS-APPELLANTS.

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SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (KEVIN E. HULSLANDER  
OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

STANLEY LAW OFFICES, LLP, SYRACUSE (JOSEPH P. STANLEY OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County  
(Deborah H. Karalunas, J.), entered November 18, 2010 in a personal  
injury action. The order, insofar as appealed from, granted the  
motion of plaintiff for partial summary judgment pursuant to Labor Law  
§ 240 (1) and denied in part the cross motion of defendants for  
summary judgment.

Now, upon reading and filing the stipulation withdrawing appeal  
signed by the attorneys for the parties on May 18, 2011,

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

Entered: September 30, 2011

Patricia L. Morgan  
Clerk of the Court