

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

475

CA 12-01558

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ.

VITRAN EXPRESS, INC., DOING BUSINESS AS
PJAX FREIGHT SYSTEM, PLAINTIFF-APPELLANT,

V

ORDER

F&W TRANSPORT SERVICES, INC.,
DEFENDANT-RESPONDENT.

KLAPPER & FASS, WHITE PLAINS (DANIEL A. FASS OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

LAW OFFICES OF MONTE J. ROSENSTEIN, P.C., MIDDLETOWN (MONTE J.
ROSENSTEIN OF COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County
(Anthony J. Paris, J.), entered July 15, 2011. The order granted the
motion of defendant to vacate a default judgment.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on February 26, 2013,

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

Entered: April 26, 2013

Frances E. Cafarell
Clerk of the Court