

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

**469**

**CA 10-01677**

PRESENT: SMITH, J.P., CENTRA, PERADOTTO, GORSKI, AND MARTOCHE, JJ.

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CHRISTINA L. HERDENDORF, PLAINTIFF-RESPONDENT,

V

ORDER

GEICO INSURANCE COMPANY, DEFENDANT-APPELLANT.

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CHRISTINA L. HERDENDORF, PLAINTIFF-RESPONDENT,

V

JESSE JANSKY AND GEICO INSURANCE COMPANY,  
DEFENDANTS-APPELLANTS.

(APPEAL NO. 2.)

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CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (KEVIN E. LOFTUS OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

GELBER & O'CONNELL, LLC, AMHERST (TIMOTHY G. O'CONNELL 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 June 4, 2010. The order denied the motion of defendants to dismiss plaintiff's amended complaint.

Now, upon reading and filing the stipulation of discontinuance of appeal signed by the attorneys for the parties on March 9, 2011,

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

Entered: April 29, 2011

Patricia L. Morgan  
Clerk of the Court