

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

**94**

**CA 14-01178**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND DEJOSEPH, JJ.

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PHILADELPHIA INDEMNITY INSURANCE COMPANY, AS  
SUBROGEE OF CATHOLIC CHARITIES OF THE DIOCESE  
OF ROCHESTER, PLAINTIFF-RESPONDENT,

V

ORDER

DAVIS-ULMER SPRINKLER COMPANY, INC.,  
DEFENDANT-APPELLANT.

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PHILLIPS LYTTLE LLP, BUFFALO (KEVIN J. ENGLISH OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

ROSNER NOCERA & RAGONE, LLP, NEW YORK CITY (ELIOT L. GREENBERG OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered April 4, 2014. The order denied the motion of defendant to dismiss the complaint.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on January 30 and February 17, 2015, and filed in the Monroe County Clerk's Office on March 11, 2015,

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

Entered: March 27, 2015

Frances E. Cafarell  
Clerk of the Court