

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

**243/14**

**CA 13-01608**

PRESENT: SCUDDER, P.J., SMITH, CARNI, AND LINDLEY, JJ.

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BOARD OF TRUSTEES, FOR AND ON BEHALF OF  
SERVICE EMPLOYEES BENEFIT FUND,  
PLAINTIFF-RESPONDENT,

V

ORDER

BONADIO & CO., LLP, FORMERLY KNOWN AS  
LOGUIDICE & KAMIDE, C.P.A., PLLC, AND  
JOHN/JANE DOES 1-7, INDIVIDUALLY AND AS  
EMPLOYEES, AGENTS, REPRESENTATIVES AND/OR  
SERVANTS OF BONADIO & CO., LLP,  
DEFENDANTS-APPELLANTS.

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GOLDBERG SEGALLA LLP, ALBANY (JONATHAN M. BERNSTEIN OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (STEVEN W. WILLIAMS OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County (Brian F. DeJoseph, J.), entered November 14, 2012. The order, insofar as appealed from, denied in part the motion of defendants to dismiss plaintiff's first amended complaint.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties and filed with the Court on December 11, 2015,

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

Entered: February 11, 2016

Frances E. Cafarell  
Clerk of the Court