

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

477

CA 16-01697

PRESENT: WHALEN, P.J., LINDLEY, DEJOSEPH, NEMOYER, AND CURRAN, JJ.

ORTHO-CLINICAL DIAGNOSTICS, INC.,
PLAINTIFF-APPELLANT,

V

ORDER

ASPEN SPECIALTY INSURANCE COMPANY, ASPEN
INSURANCE UK LIMITED, DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANT.

ASPEN INSURANCE UK LIMITED, THIRD-PARTY
PLAINTIFF-RESPONDENT,

V

ELMER W. DAVIS, INC., THIRD-PARTY
DEFENDANT-APPELLANT.

BARCLAY DAMON LLP, ROCHESTER (MARK T. WHITFORD, JR., OF COUNSEL), FOR
PLAINTIFF-APPELLANT AND THIRD-PARTY DEFENDANT-APPELLANT.

LESTER SCHWAB KATZ & DWYER, LLP, NEW YORK CITY (JONATHAN GLASSER OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS AND THIRD-PARTY PLAINTIFF-
RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (William
K. Taylor, J.), entered June 3, 2016. The order, among other things,
granted the motion of defendants Aspen Specialty Insurance Company and
Aspen Insurance UK Limited for summary judgment.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on July 14, 2017,

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

Entered: August 23, 2017

Frances E. Cafarell
Clerk of the Court