

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

**207**

**CA 17-01003**

PRESENT: WHALEN, P.J., CENTRA, CARNI, NEMOYER, AND CURRAN, JJ.

---

40 STATE LLC, PLAINTIFF-RESPONDENT,

V

ORDER

SUZANNE KARR, DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

---

PHETERSON SPATORICO LLP, ROCHESTER (DERRICK A. SPATORICO OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

WOODS OVIATT GILMAN LLP, ROCHESTER (ROBERT D. HOOKS OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

---

Appeal from an amended judgment of the Supreme Court, Monroe County (Renee Forgenshi Minarik, A.J.), entered February 3, 2017. The amended judgment, among other things, awarded plaintiff the sum of \$52,470.21 as against defendants.

Now, upon reading and filing the stipulation of discontinuance with attached Exhibit A signed by the attorneys for plaintiff and defendant-appellant on January 30, 2018,

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

Entered: March 16, 2018

Mark W. Bennett  
Clerk of the Court