

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

521

CA 25-01181

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, NOWAK, AND DELCONTE, JJ.

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SMTC CORPORATION, PLAINTIFF-APPELLANT,

V

ORDER

ICM CONTROLS CORP., DEFENDANT-RESPONDENT.

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WILK AUSLANDER LLP, NEW YORK CITY (SCOTT J. WATNIK OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

LIPPES MATHIAS LLP, BUFFALO (TESSA R. SCOTT OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County  
(Joseph E. Lamendola, J.), entered April 11, 2025. The order denied  
plaintiff's motion to dismiss defendant's counterclaims.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on May 18, 2026,

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

Entered: June 5, 2026

Ann Dillon Flynn  
Clerk of the Court