

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

470

CA 12-01998

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ.

BENDERSON PROPERTIES, INC., PLAINTIFF-APPELLANT,

V

ORDER

WYNIT, INC., DEFENDANT-RESPONDENT.

HAROLD M. HALPERN, WHEATFIELD, FOR PLAINTIFF-APPELLANT.

HISCOCK & BARCLAY, LLC, SYRACUSE (JON P. DEVENDORF OF COUNSEL), FOR
DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered July 5, 2012. The order denied plaintiff's motion for a protective order.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on January 21, 2013, and filed in the Erie County Clerk's Office on February 12, 2013,

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

Entered: April 26, 2013

Frances E. Cafarell
Clerk of the Court