

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

699

CA 17-00143

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND SCUDDER, JJ.

CHARLENE SPICER, AS ADMINISTRATOR OF THE ESTATE
OF CHRISTOPHER SPICER,
DECEASED, PLAINTIFF-RESPONDENT,

V

ORDER

USA BODY, INC., DEFENDANT.

USA BODY, INC., THIRD-PARTY PLAINTIFF-RESPONDENT,

V

VOLLES DAIRY FARM, LLC, THIRD-PARTY
DEFENDANT-APPELLANT.

BARCLAY DAMON, LLP, SYRACUSE (ALAN R. PETERMAN OF COUNSEL), FOR
THIRD-PARTY DEFENDANT-APPELLANT.

DELDUCHETTO & POTTER, SYRACUSE (ERNEST A. DELDUCHETTO OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (BRADY J. O'MALLEY OF
COUNSEL), FOR THIRD-PARTY PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County
(Anthony J. Paris, J.), entered September 28, 2016. The order, among
other things, denied the motion of third-party defendant Volles Dairy
Farm, LLC seeking summary judgment dismissing the third-party
plaintiff's complaint.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on March 31 and April 25,
2017,

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

Entered: June 9, 2017

Frances E. Cafarell
Clerk of the Court