

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

**206**

**CA 17-01001**

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

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40 STATE LLC, PLAINTIFF-RESPONDENT,

V

ORDER

SUZANNE KARR, DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.  
(APPEAL NO. 1.)

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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.

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Appeal from an order of the Supreme Court, Monroe County (Renee Forgens Minarik, A.J.), entered December 5, 2016. The order, among other things, granted plaintiff's motion for partial summary judgment.

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