

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

517

CA 11-00864

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND SCONIERS, JJ.

ILLINOIS UNION INSURANCE COMPANY, PLAINTIFF,

V

ORDER

ARRIC CORPORATION, ET AL., DEFENDANTS.

ARRIC CORPORATION, THIRD-PARTY PLAINTIFF,

V

FIREMAN'S FUND INSURANCE COMPANY, NATIONAL
SURETY CORPORATION, THIRD-PARTY
DEFENDANTS-APPELLANTS,
GUARD CONTRACTING CORPORATION, THIRD-PARTY
DEFENDANT-RESPONDENT,
ET AL., THIRD-PARTY DEFENDANTS.

LAWRENCE, WORDEN, RAINIS & BARD, P.C., MELVILLE (ROGER B. LAWRENCE OF
COUNSEL), FOR THIRD-PARTY DEFENDANTS-APPELLANTS.

GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (VICTOR ALAN OLIVERI OF
COUNSEL), FOR THIRD-PARTY DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, Jr., J.), entered July 30, 2010. The order denied the motion of third-party defendants Fireman's Fund Insurance Company and National Surety Corporation for summary judgment and granted the cross motion of third-party defendant Guard Contracting Corporation for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on January 31, 2012 and filed on February 14, 2012,

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

Entered: April 20, 2012

Frances E. Cafarell
Clerk of the Court