

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

1065

CA 12-00488

PRESENT: SCUDDER, P.J., SMITH, FAHEY, LINDLEY, AND MARTOCHE, JJ.

IN THE MATTER OF THE ARBITRATION BETWEEN
NEW YORK CENTRAL MUTUAL FIRE INSURANCE
COMPANY ("NYCM"), PETITIONER-APPELLANT,

AND

ORDER

JASMINE MENDEZ, RESPONDENT-RESPONDENT.

BROWN & KELLY, LLP, BUFFALO (MARK J. SCHAEFER OF COUNSEL), FOR
PETITIONER-APPELLANT.

LAW OFFICES OF JAMES MORRIS, BUFFALO (NADEEN C. SINGH OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered August 19, 2011. The order, insofar as appealed from, denied the application of petitioner for a permanent stay of arbitration and denied the application of petitioner for an evidentiary hearing.

Now, upon reading and filing the stipulation discontinuing appeal signed by the attorneys for the parties on August 7, 2012,

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

Entered: September 28, 2012

Frances E. Cafarell
Clerk of the Court