

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

1182

CA 12-00675

PRESENT: SMITH, J.P., FAHEY, SCONIERS, VALENTINO, AND WHALEN, JJ.

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IN THE MATTER OF COLONIAL SURETY COMPANY,  
PETITIONER-APPELLANT,

V

ORDER

LAKEVIEW ADVISORS, LLC, RESOLUTION MANAGEMENT,  
LLC, NATIONAL CREDIT ADJUSTERS, LLC, NEAVERTH  
ENTERPRISES, LLC, ARENA DEVELOPMENT, LLC, AND  
ROBERT J. GOODYEAR, RESPONDENTS-RESPONDENTS.

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IN THE MATTER OF COLONIAL SURETY COMPANY,  
PETITIONER-APPELLANT,

V

NEAVERTH ENTERPRISES, LLC, ARENA DEVELOPMENT,  
LLC, ROBERT J. GOODYEAR, ANITA M. HANSEN  
AND GARY ALBANESE, RESPONDENTS-RESPONDENTS.

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UNDERBERG & KESSLER LLP, BUFFALO (EDWARD P. YANKELUNAS OF COUNSEL),  
FOR PETITIONER-APPELLANT.

LIPPES MATHIAS WEXLER FRIEDMAN LLP, BUFFALO (THOMAS J. GAFFNEY OF  
COUNSEL), FOR RESPONDENT-RESPONDENT RESOLUTION MANAGEMENT, LLC.

LAW OFFICE OF JOHN K. JORDAN, BUFFALO (JOHN K. JORDAN OF COUNSEL), FOR  
RESPONDENTS-RESPONDENTS NEAVERTH ENTERPRISES, LLC, ARENA DEVELOPMENT,  
LLC, AND ROBERT J. GOODYEAR.

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Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered March 15, 2012. The order denied the motion of petitioner for a stay of evidentiary hearings.

Now, upon reading and filing the stipulation to discontinue appeal signed by the attorneys for the parties on October 17, 2012,

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

Entered: December 28, 2012

Frances E. Cafarell  
Clerk of the Court