

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

1045

CA 23-00031

PRESENT: WHALEN, P.J., LINDLEY, MONTOUR, OGDEN, AND DELCONTE, JJ.

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PETERS & ASSOCIATES, CERTIFIED PUBLIC  
ACCOUNTANTS, P.C., PLAINTIFF-RESPONDENT,

V

ORDER

DAVID UPCRAFT, DEFENDANT-APPELLANT.

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SAUNDERS KAHLER, LLP, UTICA (MERRITT S. LOCKE OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

SUGARMAN LAW FIRM, LLP, SYRACUSE (CORY J. SCHOONMAKER OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered April 14, 2021. The order, insofar as appealed from, denied in part the cross-motion of defendant for summary judgment.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on February 27 and 29, 2024,

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

Entered: March 15, 2024

Ann Dillon Flynn  
Clerk of the Court