

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

524

CA 16-01363

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, CURRAN, AND SCUDDER, JJ.

WILLIAM SCRUTON, PLAINTIFF-RESPONDENT,

V

ORDER

ACRO-FAB LTD., DEFENDANT-APPELLANT,
TIMOTHY JOHN KARKRUFF, DOING BUSINESS AS KARKRUFF
CONSTRUCTION & DESIGN, AND ACTION CRANE, INC.,
DEFENDANTS-RESPONDENTS.

COSTELLO, COONEY & FEARON, PLLC, CAMILLUS (JAMES J. GASCON OF
COUNSEL), FOR DEFENDANT-APPELLANT.

SMITH SOVIK KENDRICK & SUGNET, P.C., SYRACUSE (EDWARD J. SMITH, III,
OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

MARK D. GORIS, CAZENOVIA, FOR DEFENDANT-RESPONDENT TIMOTHY JOHN
KARKRUFF, DOING BUSINESS AS KARKRUFF CONSTRUCTION & DESIGN.

AHMUTY, DEMERS & MCMANUS, HOPEWELL JUNCTION (PATRICK J. PICKETT OF
COUNSEL), FOR DEFENDANT-RESPONDENT ACTION CRANE, INC.

Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered December 24, 2015. The order, among other things, granted the motions of defendants Action Crane, Inc., and Timothy John Karkruff, doing business as Karkruff Construction & Design, seeking summary judgment dismissing plaintiff's amended complaint and all cross claims against them.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on April 10, 17 and 25, 2017, and filed in the Oswego County Clerk's Office on May 18, 2017,

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

Entered: August 23, 2017

Frances E. Cafarell

Clerk of the Court