

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

1507

CA 17-01188

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

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FARMERS NEW CENTURY INSURANCE COMPANY, AS  
SUBROGEE OF DIANE ANDERSON, AND DIANE ANDERSON,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

FEDEX FREIGHT, INC., DEFENDANT-APPELLANT,  
NIAGARA MOHAWK POWER CORPORATION, DOING  
BUSINESS AS NATIONAL GRID, DEFENDANT-RESPONDENT,  
ET AL., DEFENDANTS.

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BURDEN, HAFNER & HANSEN, LLC, BUFFALO (DONNA L. BURDEN OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

WHITE & WILLIAMS, LLP, PHILADELPHIA, PENNSYLVANIA (WILLIAM J. SCHMIDT  
OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered September 26, 2016. The order denied the motion of defendant FedEx Freight, Inc., for summary judgment.

Now, upon the stipulation of discontinuance as to defendant FedEx Freight, Inc. signed by the attorneys for plaintiffs and defendant FedEx Freight, Inc., and filed in the Erie County Clerk's Office on February 16, 2018,

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

Entered: March 16, 2018

Mark W. Bennett  
Clerk of the Court