

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

1391

CA 12-01134

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ.

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CALVIN BAKER, PLAINTIFF-APPELLANT,

V

ORDER

FRANK MURANO AND DONNA MURANO,  
DEFENDANTS-RESPONDENTS.

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FRANK MURANO AND DONNA MURANO,  
THIRD-PARTY PLAINTIFFS,

V

WILLIAM PATTON, DOING BUSINESS AS PATTON  
HOME IMPROVEMENT, THIRD-PARTY DEFENDANT.

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SEGAR & SCIORTINO PLLC, ROCHESTER (STEPHEN A. SEGAR OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

HISCOCK & BARCLAY, LLP, ROCHESTER (ROBERT M. SHADDOCK OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from a judgment and order (one paper) of the Supreme Court, Monroe County (John J. Ark, J.), entered December 9, 2011. The judgment and order, insofar as appealed from, denied plaintiff's motion for partial summary judgment.

Now, upon the stipulation of settlement and discontinuance of action signed by the attorneys for the parties and filed in the Monroe County Clerk's Office on September 17, 2012,

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

Entered: February 1, 2013

Frances E. Cafarell  
Clerk of the Court