

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

**1417**

**CA 14-00214**

PRESENT: SMITH, J.P., FAHEY, WHALEN, AND DEJOSEPH, JJ.

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JEFF CONIBER, DOING BUSINESS AS JEFF CONIBER  
TRUCKING, PLAINTIFF-RESPONDENT,

V

ORDER

CENTER POINT TRANSFER STATION, INC., MATTHEW W.  
LOUGHRY AND KENNETH LOUGHRY,  
DEFENDANTS-APPELLANTS.  
(APPEAL NO. 2.)

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E. ROBERT FUSSELL, P.C., LEROY (E. ROBERT FUSSELL OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

PIRRELLO, MISSAL, PERSONTE & FEDER, ROCHESTER (STEVEN E. FEDER OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Wyoming County (Mark H. Dadd, A.J.), entered December 3, 2013. The order denied the motion of defendants for summary judgment dismissing the complaint.

Now, upon reading and filing the stipulation signed by the attorneys for the parties and filed on December 18, 2014,

It is hereby ORDERED that said appeal from the order insofar as it denied those parts of the motion for summary judgment seeking to dismiss the second and fifth causes of action is unanimously dismissed upon stipulation and the order is affirmed without costs.

Entered: February 6, 2015

Frances E. Cafarell  
Clerk of the Court