

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

1439

CA 17-00881

PRESENT: PERADOTTO, J.P., CARNI, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

CALAMAR SENIOR HOUSING FUND, II, LLC, AND
CALAMAR CAPITAL SERVICES, LLC,
PLAINTIFFS-APPELLANTS,

V

ORDER

MK CHC HOLDINGS, LLC, MOUNT KELLETT MASTER
FUND II-B, L.P., MOUNT KELLETT CAPITAL
MANAGEMENT, LP, FORTRESS INVESTMENT GROUP, LLC,
FORTRESS MK ADVISORS, LLC, AND DRAWBRIDGE SPECIAL
OPPORTUNITIES FUND, LP, DEFENDANTS-RESPONDENTS.

ANDERSON KILL P.C., NEW YORK CITY (FINLEY T. HARCKHAM OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

PHILLIPS LYTTLE LLP, BUFFALO (CRAIG A. LESLIE OF COUNSEL), AND SIDLEY
AUSTIN LLP, NEW YORK CITY, FOR DEFENDANTS-RESPONDENTS.

Appeal from an order and judgment (one paper) of the Supreme Court, Niagara County (Henry J. Nowak, Jr., J.), entered April 7, 2017. The order and judgment granted the motion of defendants to dismiss the complaint.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on November 10 and 13, 2017,

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

Entered: December 22, 2017

Mark W. Bennett
Clerk of the Court