

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

**541**

**CA 17-02115**

PRESENT: SMITH, J.P., CARNI, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

---

OSI RESTAURANT PARTNERS, LLC, OUTBACK  
STEAKHOUSE OF FLORIDA, LLC, CARRABBA'S  
ITALIAN GRILL, LLC, BONEFISH GRILL, LLC,  
BONEFISH GRILL OF FLORIDA, LLC, AND  
OUTBACK/FLEMING'S LLC,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

IPT, LLC, DOING BUSINESS AS FM FACILITY  
MAINTENANCE, DEFENDANT-APPELLANT.

---

LOCKE LORD, LLP, HARTFORD, CONNECTICUT (DONALD E. FRECHETTE OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

HANCOCK ESTABROOK, LLP, SYRACUSE (JOHN G. POWERS OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

---

Appeal from an order of the Supreme Court, Onondaga County  
(Anthony J. Paris, J.), entered September 25, 2017. The order,  
insofar as appealed from, denied defendant's motion to dismiss all  
claims against it.

Now, upon the stipulation of discontinuance signed by the  
attorneys for the parties on February 5, 2018, and filed in the  
Onondaga County Clerk's Office on February 5, 2018,

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

Entered: April 27, 2018

Mark W. Bennett  
Clerk of the Court