

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

1185

**CA 19-00993**

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

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U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE  
FOR THE REGISTERED HOLDERS OF BANC OF AMERICA  
COMMERCIAL MORTGAGE INC., COMMERCIAL MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2006-2,  
ACTING BY AND THROUGH ITS SPECIAL SERVICER  
C-III ASSET MANAGEMENT LLC, PLAINTIFF-APPELLANT,

V

ORDER

CCCF RIVER GLEN HOLDINGS, INC., KMART CORPORATION,  
CAYUGA COMMUNITY COLLEGE, DEFENDANTS-RESPONDENTS,  
ET AL., DEFENDANT.  
(APPEAL NO. 2.)

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KILPATRICK TOWNSEND & STOCKTON LLP, NEW YORK CITY (KEITH M. BRANDOFINO  
OF COUNSEL), FOR PLAINTIFF-APPELLANT.

COSTELLO, COONEY & FEARON, PLLC, CAMILLUS (ANTHONY R. HANLEY OF  
COUNSEL), FOR DEFENDANT-RESPONDENT CCCF RIVER GLEN HOLDINGS, INC.

J. GREENBERGER, PLLC, NEW YORK CITY (JORDAN GREENBERGER OF COUNSEL),  
FOR DEFENDANT-RESPONDENT KMART CORPORATION.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (BRIAN J. BUTLER OF COUNSEL),  
FOR DEFENDANT-RESPONDENT CAYUGA COMMUNITY COLLEGE.

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Appeal from an order of the Supreme Court, Oswego County (James  
W. McCarthy, J.), entered October 29, 2018. The order granted  
plaintiff's motion for leave to reargue and, upon reargument, adhered  
to a prior order.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties,

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

Entered: December 20, 2019

Mark W. Bennett  
Clerk of the Court