

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF NEW YORK

NEW YORK STATE ELECTRIC & GAS CORPORATION,  
 Plaintiff,

vs.

FIRSTENERGY CORP.,  
 Defendant.

FIRSTENERGY CORP.,  
 Third-Party Plaintiff;

Civil Action No. 3:03-CV-0438

vs.

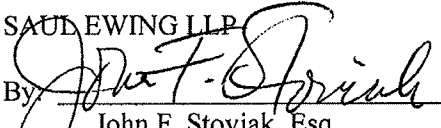
I.D. BOOTH, INC.; ITHACA CITY SCHOOL DISTRICT; CITY  
 OF ITHACA, NEW YORK; and CITY OF ONEONTA, NEW  
 YORK,  
 Third-Party Defendants.

**STIPULATION AND ORDER DISMISSING ACTION**

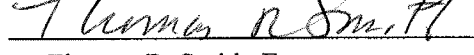
Third-party plaintiff FirstEnergy Corp. ("FirstEnergy") and third-party defendant Ithaca City School District ("ICSD") hereby stipulate and agree, through their respective counsel, that the above-entitled third-party action asserted by FirstEnergy against ICSD is hereby dismissed with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Dated: October 4, 2010


SAUL EWING LLP

By:   
 John F. Stoviak, Esq.  
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BOND, SCHOENECK & KING, PLLC

By:   
 Thomas R. Smith, Esq.  
 Attorneys for Third-Party Defendant  
 Ithaca City School District  
 One Lincoln Center  
 Syracuse, New York 13202  
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IT IS SO ORDERED:

  
 David E. Peebles  
 U.S. Magistrate Judge

Dated: October 5, 2010

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