



UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK NEW YORK STATE ELECTRIC & GAS CORPORATION, Plaintiff, v. FIRSTENERGY CORPORATION, Defendant.	Civil Action No.: 3:03-CV-0438 (DEP)
FIRST ENERGY CORPORATION, Third-Party Plaintiff, v. 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 City of Oneonta ("Oneonta") hereby stipulate and agree, through their respective counsel, that the above-entitled third-party action asserted by FirstEnergy against Oneonta is hereby dismissed with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Dated: December 15, 2010

SAUL EWING LLP
 By: 
 John F. Stoviak, Esq.
 Attorneys for Third-Party Plaintiff
 Centre Square West
 1300 Market Street, 38thrd Floor
 Philadelphia, Pennsylvania 19102-2186
 Tel. No. (215) 972-1095

MENTER, RUDIN & TRIVELPIECE, P.C.
 By: 
 Thomas J. Fucillo, Esq.
 Attorneys for Third-Party Defendant
 City of Oneonta
 308 Maltbie Street, Suite 200
 Syracuse, New York 13204
 Tel. No. (315) 474-7541

IT IS SO ORDERED:


 David E. Peebles
 U.S. Magistrate Judge

Dated: December 21, 2010