

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
JAMES A. BRUNO and KATHLEEN M. BRUNO

Docket No. 5:09 CV 1308  
(GTS/DEP)

Plaintiffs,

-against-

**STIPULATION OF  
WITHDRAWAL OF  
COMMON LAW CLAIMS**

NIAGARA MOHAWK POWER CORPORATION,  
LG CONSTRUCTORS, INC., T D T REALTY  
CORP., CORELLIS HOLDING CORP. and  
THOMAS A. CORELLIS

Defendants.

-----X  
LG CONSTRUCTORS, INC.,

Third-Party Plaintiff,


-against-


MICHELS POWER, A DIVISION OF MICHELS  
CORPORATION and MICHELS CORPORATION,

Third-Party Defendants.

-----X

**IT IS HEREBY STIPULATED AND AGREED**, by counsel for Defendant NIAGARA MOHAWK POWER CORPORATION ("NIAGARA") and Third-Party Defendants MICHELS POWER, A DIVISION OF MICHELS CORPORATION and MICHELS CORPORATION ("MICHELS") that NIAGARA's cross-claims seeking common law indemnity and contribution from MICHELS are hereby withdrawn, with prejudice, without costs to either party as against the other.

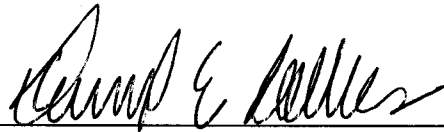
  
-----  
Kevin P. Glasheen, Esq.

  
-----  
Kevin F. Pinter, Esq.

Hiscock & Barclay, LLP  
Attorneys for Defendant  
NIAGARA MOHAWK  
POWER COPANY  
80 State Street  
Albany, NY 122207  
(518) 429-4278

Bar Roll No.: 516224  
Nicoletti Gonson Spinner & Owen LLP  
Attorneys for Third-Party Defendants  
MICHELS POWER, A DIVISION OF MICHELS  
CORPORATION AND MICHELS  
CORPORATION  
555 Fifth Avenue, 8<sup>th</sup> Floor  
New York, New York 10017  
(212) 730-7750  
Our File No.: 80187.00006

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles  
U.S. Magistrate Judge

Dated: January 23, 2012