

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

United States of America

Civil No.

6:08-cv-1197 (NPM/DEP)

Plaintiff

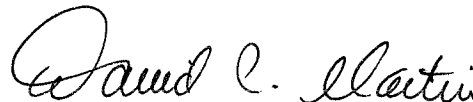
vs.

Falls Court Properties Company
Morris Winkler
George H. Kidney, Jr.
Defendants.

STIPULATION CANCELING ACTION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued with prejudice, without costs to either party against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: 10/1 2009



David P. Martin, Esq.

HARRIS BEACH, PLLC

Attorney(s) for the Plaintiff

Clark Place

South State Street, 4th Floor

Syracuse, New York 13202

315-432-7100

IT IS SO ORDERED:



David E. Peebles

U.S. Magistrate Judge

Dated: November 6, 2009

Syracuse, NY



Frank A. Bersani, Jr.

Attorney(s) for Defendant(s),

Falls Court Properties Company,

Morris Winkler and

George H. Kidney, Jr.

306 Syracuse Building

224 Harrison Street

Syracuse, New York 13202

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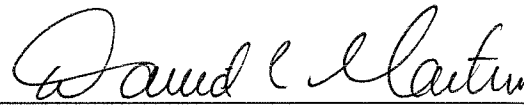
WHEREAS, no party served herein is an infant or incompetent person for whom a committee has been appointed.

IT IS HEREBY STIPULATED AND AGREED by all the

- (a) attorney(s) for the plaintiff(s);
- (b) attorney(s) for all defendants who have appeared or answered including those who have waived all notices;
- (c) defendants who have been served with process and have not appeared but whose time to do so has expired; and
- (d) defendants who have appeared in person,

that the notice of pendency of action that was filed in Supreme Court, County of Herkimer on the 3rd day of October, 2008 be canceled and discharged of record; this action was removed from Supreme Court, Herkimer County to the U.S. District Court, Northern District of New York and assigned Civil No. 6:08-cv-1197 on November 7, 2008.

Dated: 10/1 2009



David P. Martin, Esq.

HARRIS BEACH, PLLC

Attorney(s) for the Plaintiff

One Park Place

300 South State Street, 4th Floor
Syracuse, New York 13202

315-423-7100

Frank Bersani

Frank A. Bersani, Jr.
Attorney(s) for Defendant,
Chittenango Housing for the
Elderly LP
306 Syracuse Building
224 Harrison Street
Syracuse, New York 13202

IT IS SO ORDERED:

David E. Peebles

David E. Peebles
U.S. Magistrate Judge
Dated: November 6, 2009
Syracuse, NY