

U.S. DISTRICT COURT - N.D. N.Y.
FILED
NOV 23 2011
AT O'CLOCK
Lawrence K. Baerman, Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
TIMOTHY J. SWIERNIK,

Plaintiff,

-against-

**STIPULATION OF VOLUNTARY
DISCONTINUANCE**

Civil Action No. 6:11-CV-0238
(NAM/ATB)

PARKER HANNIFIN CORPORATION,
F.W. WEBB COMPANY and
BULK TRUCK & TRANSPORT SERVICE, INC.

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties, 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 action be, and the same hereby is dismissed as against Bulk Truck & Transport Service, Inc. only, with prejudice upon the merits, and without costs to any party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: Albany, New York
~~October 2011~~
September 5, 2012
DREYER BOYAJIAN LLP

By: *John B. Casey*
JOHN B. CASEY, ESQ.
Attorneys for Plaintiff
75 Columbia Street
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Dated: Albany, New York
October 6, 2011

WILSON, ELSER, MOSKOWITZ,
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By: *Thomas M. Witz*
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Bulk Truck & Transport Service, Inc.
677 Broadway, 9th Floor
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Dated: Syracuse, New York
October _____, 2011

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By: _____
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1500 AXA Tower I
100 Madison Street
Syracuse, New York 13221

Dated: Albany, New York
~~October _____, 2011~~
Nov. 21, 2012

SMITH HAUGHEY RICE & ROEGGE


By: _____
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Dated: Liverpool, New York
October _____, 2011

SASSANI & SCHENK, P.C.

By: _____
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7767 Oswego Road
Liverpool, New York 13090

IT IS SO ORDERED.



Norman A. Mordue
District Judge

Dated: November 28, 2012