

**NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3168-19**

LYDIA MITTERMAIER,
executrix of the Estate
of CHARLES MITTERMAIER,

Plaintiff-Respondent,

v.

TIMOTHY LAVOIE and
YORK FENCE COMPANY,

Defendants,

and

NEW JERSEY MANUFACTURERS
INSURANCE COMPANY,

Defendant-Respondent,

and

YORK FENCE CONSTRUCTION
CO., INC.,

Defendant/Third-Party
Plaintiff/Appellant,

v.

STATE FARM INDEMNITY
COMPANY,

Third-Party Defendant.

Submitted October 6, 2021 – Decided October 20, 2021

Before Judges Hoffman and Whipple.

On appeal from the Superior Court of New Jersey, Law
Division, Somerset County, Docket No. L-1144-15.

Leary Bride Mergner & Bongiovanni, PA, attorneys for
appellant (William H. Mergner and Peter M. Bouton, of
counsel and on the briefs).

Wilentz, Goldman & Spitzer, PA, attorneys for
respondent Lydia Mittermaier (Robert L. Selvers, of
counsel and on the brief).

Kennedys CMK, LLP, attorneys for respondent New
Jersey Manufacturers Insurance Company (John P.
Gilfillan, of counsel and on the brief; Michael C.
Shapiro, on the brief).

We have been advised prior to oral argument that this matter
has been amicable adjusted and the parties have stipulated to the
dismissal of this appeal. Accordingly, the appeal is dismissed with
prejudice and without costs.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION