

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M71708  
M/cb

PETER B. SKELOS, J.P.  
HOWARD MILLER  
EDWARD D. CARNI  
CHERYL E. CHAMBERS, JJ.

---

2007-08507

DECISION & ORDER ON  
MOTION

Michael Hayes, respondent,  
v Florentina Hayes, appellant.

(Index No. 5539/97)

---

Appeal by Florentina Hayes from an order of the Supreme Court, Richmond County, dated August 15, 2007. By order to show cause dated May 12, 2008, the parties or their attorneys were directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to perfect upon the receipt of the transcripts. Application by the appellant to withdraw the appeal.

Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

ORDERED that the motion is denied; and it is further,

ORDERED that the appellant's application to withdraw the appeal is granted; and it is further,

ORDERED that the appeal is deemed withdrawn, without costs or disbursements.

SKELOS, J.P., MILLER, CARNI and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 11, 2008

HAYES v HAYES