

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

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2008-01415

ORDER ON APPLICATION  
Application to Withdraw Appeal

Anthony Zabataite, respondent,  
v Museum of Modern Art, appellant.

(Index No. 11300/05)

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Application by the appellant to withdraw an appeal from an order of the Supreme Court, Kings County, dated December 5, 2007.

Upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the application is granted and the appeal is marked withdrawn.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 12, 2008

ZABATAITE v MUSEUM OF MODERN ART