

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

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L/

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2004-02175

DECISION & ORDER ON APPLICATION
Application to Withdraw Appeal

Jose Canar Astudillo, plaintiff, v Puissance Enterprises, LLC, defendant, Telemark Construction Management New York, LLC, defendant second third-party plaintiff-respondent; BRC Ironworks Inc., first, second, and fourth third-party defendant-respondent; Facility Service Corp., second third-party defendant third and fourth third-party plaintiff-appellant; Corporate Contractors Ltd., et al., third third-party defendants-respondents.

(Index No. 35570/01)

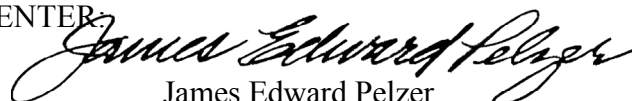
Application by the appellant for leave to withdraw an appeal from an order of the Supreme Court, Kings County, dated January 26, 2004.

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ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER



James Edward Pelzer
Clerk of the Court

October 3, 2008

ASTUDILLO v PUISSANCE ENTERPRISES, LLC