

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

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2008-06121

ORDER ON APPLICATION  
Application to Withdraw Appeal

Thomas Apicella, et al., respondents,  
v Costco Wholesale Corp., appellant  
(and a third-party action).

(Index No. 10979/04)

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Application by the appellant to withdraw an appeal from an order of the Supreme Court, Queens County, dated May 2, 2008.

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ORDERED that the application is granted and the appeal is marked withdrawn.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

October 8, 2008

APICELLA v COSTCO WHOLESALE CORP.