

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

M77661  
E/cb

PETER B. SKELOS, J.P.  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

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2008-06632

DECISION & ORDER ON MOTION

Kiley Blackman, respondent,  
v Barbara Stagno, appellant.

(Index No. 03-17205)

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Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Westchester County, entered June 10, 2008, for failure to timely perfect in accordance with the rules of this court (*see* 22 NYCRR 670.8[e]). Application by the appellant to withdraw the appeal

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

ORDERED that the application is granted and the appeal is marked withdrawn; and it is further,

ORDERED that the motion is denied as academic.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 27, 2008

BLACKMAN v STAGNO