

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

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2008-07639

ORDER ON APPLICATION  
Application to Withdraw Appeal

East Port Excavating & Utilities Contractors,  
Inc., et al., respondents, v Lipsky Enterprises,  
Inc., et al., appellants, et al., defendants.

(Index No. 14790-04)

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Application by the appellants to withdraw an appeal from an order of the Supreme Court, Suffolk County, dated July 9, 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ORDERED that the application is granted and the appeal is marked withdrawn.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

December 3, 2008

EAST PORT EXCAVATING & UTILITIES CONTRACTORS, INC.  
v LIPSKY ENTERPRISES, INC.