

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

M79322
L/

2008-07760

ORDER ON APPLICATION
Application to Withdraw Appeal

James Tobin, et al., respondents,
v St. John's Roman Catholic Church,
appellant
(and a third-party action).

(Index No. 5558/05)

Application by the appellant to withdraw an appeal from an order and judgment (one paper) of the Supreme Court, Dutchess County, dated June 17, 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ORDERED that the application is granted and the appeal is marked withdrawn.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

TOBIN v ST. JOHN'S ROMAN CATHOLIC CHURCH