

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

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E/sl

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-06151

DECISION & ORDER ON MOTION

In the Matter of Troy Gibbs, respondent,
v George B. Alexander, etc., appellant.

(Index No. 08-204)

Motion by the respondent to dismiss an appeal from a judgment of the Supreme Court, Orange County, dated May 5, 2008, for failure to timely perfect the same. Application by the appellant to withdraw the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition or relation thereto, it is

ORDERED that the application is granted and the appeal is withdrawn, without costs or disbursements; and it is further,

ORDERED that the motion is denied as academic.

RIVERA, J.P., ANGIOLILLO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 12, 2008

MATTER OF GIBBS v ALEXANDER