

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

M85610  
L/

STEVEN W. FISHER, J.P.  
JOSEPH COVELLO  
DANIEL D. ANGIOLILLO  
JOHN M. LEVENTHAL, JJ.

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2008-02904

DECISION & ORDER ON APPLICATION  
Withdraw Appeal on Stipulation

DLJ Mortgage Capital, Inc., plaintiff,  
v Charles Nurse, etc., respondent, et al.,  
defendants; John Nurse, nonparty-appellant.

(Index No. 17939/06)

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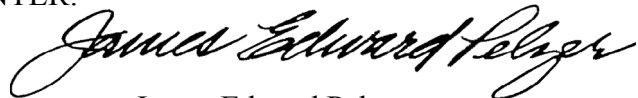
Application to withdraw an appeal from an order of the Supreme Court, Kings County, dated March 12, 2008.

Upon the stipulation of the attorneys for the respective parties, dated April 15, 2009,  
it is

ORDERED that the application is granted and the appeal is deemed withdrawn,  
without costs or disbursements.

FISHER, J.P., COVELLO, ANGIOLILLO and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

April 22, 2009

DLJ MORTGAGE CAPITAL, INC. v NURSE