

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

M86253  
L/

STEVEN W. FISHER, J.P.  
ANITA R. FLORIO  
THOMAS A. DICKERSON  
ARIEL E. BELEN, JJ.

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2007-08804

DECISION & ORDER ON APPLICATION  
Withdraw Appeal on Stipulation

David Agosto, appellant,  
v Marietta Small, etc., respondent,  
et al., defendants.

(Index No. 43629/02)

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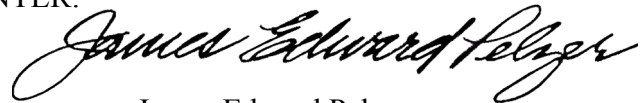
Application to withdraw an appeal from an order of the Supreme Court, Kings County, dated August 16, 2007.

Upon the stipulation of the attorneys for the respective parties, dated April 29, 2009,  
it is

ORDERED that the application is granted and the appeal is deemed withdrawn,  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

FISHER, J.P., FLORIO, DICKERSON and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 6, 2009

AGOSTO v SMALL