

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

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E/cb

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
THOMAS A. DICKERSON
PLUMMER E. LOTT, JJ.

2009-01654

DECISION & ORDER ON MOTION

John J. Dellafiora, appellant, v Kathleen S.
McPhillips, f/k/a Kathleen S. Dellafiora,
respondent.

(Index No. 7461/03)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Orange County, dated December 3, 2008, as untimely taken. Application by the appellant to withdraw the appeal.

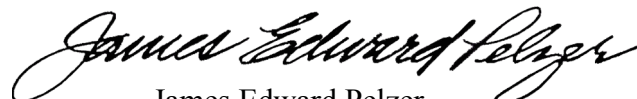
Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, and upon the application, it is

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements; and it is further,

ORDERED that the motion is denied as academic.

MASTRO, J.P., RIVERA, DICKERSON and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 8, 2009

DELLAFIORA v McPHILLIPS, f/k/a DELLAFIORA