

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

M87005  
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2008-10832

Elaine Bretts, et al., plaintiffs-respondents,  
v Lincoln Plaza Associates, Inc., appellant,  
Johnny's Pizza, defendant-respondent.

ORDER ON APPLICATION  
Application to Withdraw Appeal

(Index No. 4632/07)


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Application by the appellant to withdraw an appeal from an order of the Supreme Court, Westchester County, dated October 29, 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ORDERED that the application is granted and the appeal is marked withdrawn.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

May 21, 2009

BRETTS v LINCOLN PLAZA ASSOCIATES, INC.