

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

M87201
S/sl

2008-07368

ORDER ON APPLICATION

Charles Agostinelli, et al., appellants,
v O'Donnell Builders of Dutchess, Inc.,
et al., respondents, et al., defendant
(and third-party actions).

(Index No. 05-22346)

Application by the appellants on an appeal from an order of the Supreme Court, Westchester County, entered July 8, 2008, to withdraw the appeal insofar as asserted against the defendant Summerlin, LLC.

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

ORDERED that the application is granted and the appeal insofar as asserted against Summerlin, LLC is marked withdrawn.

ENTER:



James Edward Pelzer
Clerk of the Court

May 28, 2009

AGOSTINELLI v O'DONNELL BUILDERS OF DUTCHESS, INC.