

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

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E/sl

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2009-04346

DECISION & ORDER ON MOTION

Robert Amato, appellant,
v Myron Kaplan, etc., et al., respondents.

(Index No. 9533-06)

Motion by Myron Kaplan, Janet Krudop, estate of Robert H. Krudop, and North Fork Preserve Co. to dismiss an appeal from an order of the Supreme Court, Suffolk County, dated February 23, 2009, as untimely taken. Application by the appellant to withdraw the appeal.

Upon the papers filed in support of the motion and the papers filed in relation thereto, and upon the application, it is

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

ORDERED that the motion is denied as academic.

SPOLZINO, J.P., ANGIOLILLO, CHAMBERS and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 11, 2009

AMATO v KAPLAN