

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

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2008-11472

In the Matter of Town Board of Town of Babylon,  
et al., appellants, v New York State Department of  
Transportation, respondent.

ORDER ON APPLICATION  
Application to Withdraw Appeal

(Index No. 35161/07)

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Application by the appellants to withdraw an appeal from an order of the Supreme Court, Suffolk County, dated September 16, 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ORDERED that the application is granted and the appeal is marked withdrawn.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

June 10, 2009

MATTER OF TOWN BOARD OF TOWN OF BABYLON v NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION