

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

M88244
E/sl

2008-05364

Mark Goodleaf, plaintiff-respondent,
v Tzivos Hashem, Inc., respondent-appellant,
H & H Builders, Inc., appellant-respondent,
Danna Equipment Corporation, et al.,
third-party defendants-respondents.

ORDER ON APPLICATION
Application to Withdraw Appeal

(Index No. 32625/02)

On the court's own motion, it is

ORDERED that its decision and order on motion dated January 16, 2009, which granted an application to withdraw an appeal in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Application by *H & H Builders, Inc.*, to withdraw its appeal from an order of the Supreme Court, Kings County, dated April 14, 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ORDERED that the application is granted and the appeal by *H & H Builders, Inc.*, is marked withdrawn.

ENTER:


James Edward Pelzer
Clerk of the Court

June 18, 2009

GOODLEAF v TZIVOS HASHEM, INC.