

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

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2009-00974

ORDER ON APPLICATION  
Application to Withdraw Appeal

Gerald New, respondent, v Turner  
Construction, appellant.

(Index No. 05-12481)

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Application by the appellant to withdraw an appeal from an order of the Supreme Court, Westchester County, dated December 30, 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ORDERED that the application is granted and the appeal is marked withdrawn.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

July 10, 2009

NEW v TURNER CONSTRUCTION