

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

M89473  
L/

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

---

2008-04107

DECISION & ORDER ON APPLICATION  
Withdraw Appeal on Stipulation

Tonisha Lovitt, et al., plaintiffs-respondents,  
v Ypsilon Construction Corp., Inc., defendant,  
Phoenix Construction Corporation, appellant,  
New York City Housing Authority,  
defendant-respondent.

(Index No. 42879/02)

---

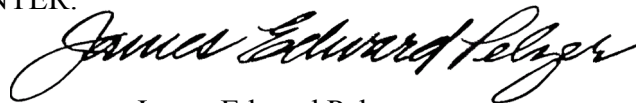
Application to withdraw an appeal from an order of the Supreme Court, Kings County, dated February 25, 2008.

Upon the stipulation of the attorneys for the respective parties, dated February 17, 2009, it is

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 15, 2009

LOVITT v YPSILON CONSTRUCTION CORP., INC.