

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

M89541
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2009-04106

ORDER ON APPLICATION
Application to Withdraw Appeal

In the Matter of Erna Homes, Inc., respondent-
appellant, v Joseph Cianciulli, et al., appellants-
respondents.

(Index No. 08-10440)

Application by the respondent-appellant to withdraw a cross appeal from an order and judgment (one paper) of the Supreme Court, Westchester County, dated March 24, 2009.

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ORDERED that the application is granted and the cross appeal is marked withdrawn.

ENTER:



James Edward Pelzer
Clerk of the Court

July 16, 2009

MATTER OF ERNA HOMES, INC. v CIANCIULLI