

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

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2009-02205

ORDER ON APPLICATION  
Application to Withdraw Appeal

Averil Swazey, et al., respondents,  
v Pathmark Stores, Inc., et al., appellants  
(and a third-party action).

(Index No. 4789-07)

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Application by the appellant Pathmark Stores, Inc., to withdraw its appeal from an order of the Supreme Court, Suffolk County, dated January 13, 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ORDERED that the application is granted and the appeal by the appellant Pathmark Stores, Inc., is marked withdrawn.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 7, 2009

SWAZEY v PATHMARK STORES, INC.