

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

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2009-01632

ORDER ON APPLICATION  
Application to Withdraw Appeal

Severino Cunha, et al., plaintiffs,  
v City of New York, defendant third-party  
plaintiff-responent; Haks Engineers, P.C.,  
third-party defendant-appellant.

(Index No. 49367/02)

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Application by the appellant to withdraw an appeal from an order of the Supreme Court, Kings County, dated December 3, 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ORDERED that the application is granted and the appeal is marked withdrawn.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

August 19, 2009

CUNHA v CITY OF NEW YORK