

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

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2009-07828

ORDER ON APPLICATION  
Application to Withdraw Appeal

In the Matter of John P. Smyth, et al.,  
petitioners-respondents, v David J. Rosasco,  
appellant, Board of Elections City of New  
York, respondent-respondent.

(Index No. 19998/09)

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ORDERED that the application is granted and the appeal is marked withdrawn.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 28, 2009

MATTER OF SMYTH v ROSASCO