

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

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2008-10805

ORDER ON APPLICATION  
Application to Withdraw Appeal

Robert Tyburczy, et al., appellants-respondents,  
v Emily R. Kinser, respondent-appellant.

(Index No. 6502/02)

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Separate applications by the appellants-respondents and the respondent-appellant to withdraw an appeal and cross appeal from an order of the Supreme Court, Dutchess County, dated October 20, 2008.

Upon the papers filed in support of the applications and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the applications are granted and the appeal and cross appeal are marked withdrawn.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 1, 2009

TYBURCZY v KINSER