

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

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L/

2009-05037

ORDER ON APPLICATION
Application to Withdraw Appeal

Jeffrey Weckstein, et al., plaintiffs-respondents,
v Midway Shopping Center, L.P., et al.,
defendants-respondents, Planet Fitness, Inc.,
appellant.

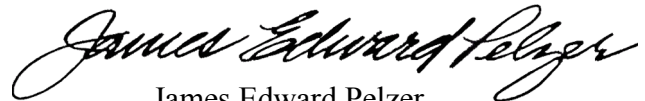
(Index No. 08-08251)

Application by the appellant to withdraw an appeal from an order of the Supreme Court, Westchester County, dated April 21, 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ORDERED that the application is granted and the appeal is marked withdrawn.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

September 29, 2009

WECKSTEIN v MIDWAY SHOPPING CENTER, L.P.