

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

M245846  
HTR/

ALAN D. SCHEINKMAN, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
MARK C. DILLON  
RUTH C. BALKIN, JJ.

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2016-03213

DECISION & ORDER ON APPLICATION  
Withdraw Appeal on Stipulation

In the Matter of Bertha Y. Fine, deceased.  
Robert Roth, petitioner-appellant-respondent;  
David Dacks, et al., objectants-respondents-  
appellants.

(File No. 368295/12)

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Application to withdraw an appeal and cross appeal from an order of the Surrogate's Court, Nassau County, dated September 10, 2015.

Upon the stipulation of the attorneys for the respective parties to the appeal and cross appeal dated February 1, 2018, it is

ORDERED that the application is granted and the appeal and cross appeal are deemed withdrawn, without costs or disbursements.

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 7, 2018

MATTER OF FINE, DECEASED