

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

M246736
E/afa

MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
ROBERT J. MILLER
JOSEPH J. MALTESE, JJ.

2017-03590

DECISION & ORDER ON MOTION

Woodstone Builders, Inc., appellant,
v Francine Picudella, respondent.

(Index No. 51484/16)

Motion by the respondent, inter alia, to strike stated portions of the record and the appellant's brief on an appeal from an order of the Supreme Court, Westchester County, dated March 17, 2017, on the ground that they contain or refer to matter de hors the record. Application by the appellant to withdraw the appeal.

Upon the papers filed in support of the motion and 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ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements; and it is further,

ORDERED that the motion is denied as academic.

DILLON, J.P., LEVENTHAL, MILLER and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 2, 2018

WOODSTONE BUILDERS, INC. v PICUDELLA