

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

M248020
E/rr

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

2017-10703

DECISION & ORDER ON MOTION
Application to Withdraw Appeal

Michael J. Meyer, etc., et al., plaintiffs,
v 148 South Emerson Associates, LLC,
defendant, Drew Doscher, etc., appellant;
Charles C. Russo, etc., et al., nonparty-
respondents (and a third-party action).
(Action No. 1)

Michael J. Meyer, etc., respondent,
v Montauk U.S.A., LLC, et al., appellants.
(Action No. 2)

Drew Doscher, etc., et al., plaintiffs
v Michael Meyer, et al., defendants.
(Action No. 3)

(Index Nos. 68379/14, 600830/15, 608165/15)

On the Court's own motion, it is

ORDERED that the decision and order on application of this Court dated March 21, 2018, in the above-entitled case is recalled and vacated, and the following decision and order on application is substituted therefor:

Application by the appellants Montauk U.S.A., LLC, and Drew Doscher on appeals from an order of the Supreme Court, Suffolk County, dated August 18, 2017, for leave to withdraw their appeal from so much of the order as pertains to Action No. 2 under Suffolk County Index No. 600830/15.

March 23, 2018

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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 by the appellants Montauk U.S.A., LLC, and Drew Doscher from so much of the order as pertains to Action No. 2 under Suffolk County Index No. 600830/15, is deemed withdrawn, without costs or disbursements.

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

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court