

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

M248336  
HTR/

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

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2016-11136

DECISION & ORDER ON APPLICATION  
Application to Withdraw Appeal

Michael J. Spear, appellant, v Michael  
C. Mucciolo, respondent.

(Index No. 56388/14)

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Application by the appellant for leave to withdraw an appeal from an order of the Supreme Court, Westchester County, dated September 27, 2016.

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ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements.

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

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

April 3, 2018

SPEAR v MUCCILO