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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 4

Grace Ruth Lucido, as
Administratrix of the Estate of
Thomas Lucido, Deceased,
Respondent,

v.

Mary Mancuso,
Defendant,
Greenburgh Partnership No. 26 et
al.,

Third-Party
Respondents,
Delcon Construction Corporation,
Third-Party
Appellant.

Joseph D'Ambrosio, for third-party appellant.
Scott N. Singer, for respondent.
Scott C. Tuttle, for third-party respondents.

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Appeal withdrawn pursuant to stipulation of the parties.

Decided April 7, 2009