

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

M89719  
E/sl

FRED T. SANTUCCI, J.P.  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN  
CHERYL E. CHAMBERS, JJ.

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2008-10071, 2009-06055

DECISION & ORDER ON MOTION

In the Matter of Vera Hyra, deceased.  
Maria Wislocki, appellant; Bertine, Hufnagel,  
Headley, Zeltner, Drummond & Dohn, LLP, et al.,  
respondents.

(File No. 659/07)

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Motion by Maria Wislocki on an appeal from an order of the Surrogate's Court, Westchester County, dated October 6, 2008, which was dismissed by decision and order on motion dated July 9, 2009, and an appeal from a decision of the same court dated June 15, 2009, inter alia, to stay enforcement of so much of the order and decision as directed her to execute certain releases and deliver certain proceeds of a certain IRA, and to stay enforcement of a certain stipulation dated February 9, 2009. Cross motion by the respondents Bertine, Hufnagel, Headley, Zeltner, Drummond & Dohn, LLP, James Reduto and the Estate of Vera Hyra to dismiss the appeals.

Upon the papers filed in support of the motion and the cross motion, and the papers filed in opposition thereto, it is

ORDERED that the branch of the cross motion which is to dismiss the appeal from the order dated October 6, 2008 (Appellate Division Docket No. 2008-10071), is denied as academic in light of the decision and order on motion dated July 9, 2009; and it is further,

ORDERED that the branch of the cross motion which is to dismiss the appeal from the decision dated June 15, 2009 (Appellate Division Docket No. 2009-06055), is granted on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509), and that appeal is dismissed, without costs or disbursements; and it is further,

July 21, 2009

MATTER OF HYRA, DECEASED

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ORDERED that the motion is denied as academic.

SANTUCCI, J.P., ANGIOLILLO, BALKIN and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court