

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

669

CA 08-01723

PRESENT: SCUDDER, P.J., MARTOCHE, FAHEY, PERADOTTO, AND GREEN, JJ.

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FREDERICK R. HAWKES, PLAINTIFF-RESPONDENT,

V

ORDER

BONNIE M. HAWKES, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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KUSTELL LAW GROUP, BUFFALO (CARL B. KUSTELL OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

GREGG S. MAXWELL, BUFFALO, FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered July 29, 2008 in a divorce action. The order, insofar as appealed from, denied defendant's application for counsel fees and maintenance.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Entered: April 24, 2009

Patricia L. Morgan  
Deputy Clerk of the Court