

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

1369

CA 10-00577

PRESENT: MARTOCHE, J.P., CENTRA, CARNI, LINDLEY, AND PINE, JJ.

ROBERT SILLS AND AUDREY ELAINE SILLS, AS
CO-EXECUTORS OF THE ESTATE OF ANGELINE V.
SILLS, DECEASED,
PLAINTIFFS-RESPONDENTS-APPELLANTS,

V

ORDER

JOAN ROYSTON, DEFENDANT-APPELLANT-RESPONDENT.
(ACTION NO. 1.)

IN THE MATTER OF ROBERT SILLS AND AUDREY
ELAINE SILLS, AS CO-EXECUTORS OF THE ESTATE
OF ANGELINE V. SILLS, DECEASED,
PETITIONERS-RESPONDENTS-APPELLANTS,

V

FLEET NATIONAL BANK, ET AL.,
RESPONDENTS-RESPONDENTS,
AND JOAN ROYSTON, RESPONDENT-APPELLANT-RESPONDENT.
(PROCEEDING NO. 1.)
(APPEAL NO. 1.)

MCDONOUGH & ARTZ, P.C., BINGHAMTON (PHILIP J. ARTZ OF COUNSEL), FOR
DEFENDANT-APPELLANT-RESPONDENT AND RESPONDENT-APPELLANT-RESPONDENT.

GATES & ADAMS, P.C., ROCHESTER (DOUGLAS GATES OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS-APPELLANTS AND PETITIONERS-RESPONDENTS-
APPELLANTS.

Appeal and cross appeal from an order of the Supreme Court,
Steuben County (Peter C. Bradstreet, A.J.), entered October 7, 2009.
The order, among other things, denied defendant's motion for an order
dismissing action No. 1 and denied the motion made by respondents Joan
Royston and Kirk Richardson to dismiss proceeding No. 1.

It is hereby ORDERED that said appeal and cross appeal are
unanimously dismissed without costs.

Entered: November 12, 2010

Patricia L. Morgan
Clerk of the Court