

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

1460

CA 10-01341

PRESENT: SCUDDER, P.J., CARNI, LINDLEY, PINE, AND GORSKI, JJ.

IN THE MATTER OF THE JUDICIAL SETTLEMENT
OF MICHAEL J. DUFFY, AS EXECUTOR OF THE ESTATE
OF ELEANOR G. KOPEC, DECEASED,
PETITIONER-RESPONDENT.

ORDER

GILBERT H. STONE, OBJECTANT-APPELLANT.

GREEN & SEIFTER, ATTORNEYS, PLLC, SYRACUSE (JAMES L. SONNEBORN OF
COUNSEL), FOR OBJECTANT-APPELLANT.

GOLDBERG SEGALLA LLP, ROCHESTER (TIMOTHY WELCH OF COUNSEL), FOR
PETITIONER-RESPONDENT.

Appeal from an order of the Surrogate's Court, Monroe County
(Edmund A. Calvaruso, S.), entered September 8, 2009. The order
dismissed the objection of Gilbert H. Stone seeking to surcharge
Michael J. Duffy and granted Michael J. Duffy his commissions and
attorney's fees.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs for reasons stated in the decision
by the Surrogate (*Matter of Kopec*, 25 Misc 3d 901).

Entered: December 30, 2010

Patricia L. Morgan
Clerk of the Court