

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

622

CA 11-01693

PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND LINDLEY, JJ.

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IN THE MATTER OF THE JUDICIAL SETTLEMENT OF  
THE INTERMEDIATE ACCOUNT OF HSBC BANK USA, N.A.  
AS TRUSTEE OF THE TRUST UNDER AGREEMENT DATED  
JANUARY 21, 1957, SEYMOUR H. KNOX, GRANTOR,  
FOR THE BENEFIT OF THE ISSUE OF SEYMOUR H.  
KNOX, III FOR THE PERIOD JANUARY 21, 1957 TO  
NOVEMBER 3, 2005.

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HSBC BANK USA, N.A., PETITIONER-APPELLANT;

OPINION AND ORDER

W.A. READ KNOX, SEYMOUR H. KNOX, IV, AVERY KNOX,  
HELEN KEILHOLTZ, AND DANIEL C. OLIVERIO, AS  
GUARDIAN AD LITEM FOR SEYMOUR H. KNOX, V, JOHN  
CLAYTON KNOX, AND GEORGIA BROWN KNOX,  
OBJECTANTS-RESPONDENTS.  
(PROCEEDING NO. 1.)  
(APPEAL NO. 3.)

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HARRIS BEACH PLLC, BUFFALO (RICHARD T. SULLIVAN OF COUNSEL), AND BLAIR  
& ROACH, TONAWANDA, FOR PETITIONER-APPELLANT.

DONALD G. MCGRATH, PLLC, WILLIAMSVILLE (DONALD G. MCGRATH OF COUNSEL),  
AND DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP, BUFFALO, FOR OBJECTANTS-  
RESPONDENTS W.A. READ KNOX, SEYMOUR H. KNOX, IV, AVERY KNOX, AND HELEN  
KEILHOLTZ.

HODGSON RUSS LLP, BUFFALO (DANIEL C. OLIVERIO OF COUNSEL), FOR  
OBJECTANT-RESPONDENT DANIEL C. OLIVERIO, AS GUARDIAN AD LITEM FOR  
SEYMOUR H. KNOX, V, JOHN CLAYTON KNOX, AND GEORGIA BROWN KNOX.

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Appeal from a statement for judgment of the Surrogate's Court,  
Erie County (Barbara Howe, S.), entered May 24, 2011. The statement  
for judgment set forth the money damages for which petitioner is  
liable.

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

Same Opinion by SCUDDER, P.J., as in *HSBC Bank USA, N.A. v Knox*  
([appeal No. 2] \_\_\_\_ AD3d \_\_\_\_ [June 19, 2012]).

Entered: June 19, 2012

Frances E. Cafarell  
Clerk of the Court