

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

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**CA 11-01934**

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

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KATHLEEN E. ANDRESS, PLAINTIFF-RESPONDENT,

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MEMORANDUM AND ORDER

TERRANCE A. ANDRESS, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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LABIN & BUFFOMANTE, WILLIAMSVILLE (CLAYTON J. LENHARDT OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

ZARCONE ASSOCIATES, PLLC, GETZVILLE (KELLY V. ZARCONE OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an amended order of the Supreme Court, Erie County  
(Tracey A. Bannister, J.), entered May 2, 2011. The amended order  
distributed the vested retirement benefits of plaintiff.

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

Same Memorandum as in *Andress v Andress* ([appeal No. 1] \_\_\_\_ AD3d  
\_\_\_\_ [July 6, 2012]).

Entered: July 6, 2012

Frances E. Cafarell  
Clerk of the Court