

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

941

CA 11-01677

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

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IN THE MATTER OF THE TRUSTS FOR STEPHANIE  
MCDONALD AND KELLY MCDONALD CREATED IN THE  
WILL OF IGNATIUS S. LUPPINO, DECEASED.

MEMORANDUM AND ORDER

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STEPHANIE MCDONALD AND KELLY MCDONALD,  
PETITIONERS-RESPONDENTS;  
IDALYNN LUPPINO MCDONALD, TRUSTEE,  
RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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BARRY J. DONOHUE, TONAWANDA, FOR RESPONDENT-APPELLANT.

KEVIN T. STOCKER, TONAWANDA, FOR PETITIONERS-RESPONDENTS.

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Appeal from an order of the Surrogate's Court, Erie County  
(Barbara Howe, S.), entered April 13, 2011. The order, inter alia,  
denied the motion of Idalynn Luppino McDonald for leave to renew or  
reargue.

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

Same Memorandum as in *Matter of Luppino* ([appeal No. 1] \_\_\_\_ AD3d  
\_\_\_\_ [Nov. 9, 2012]).

Entered: November 9, 2012

Frances E. Cafarell  
Clerk of the Court