

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

943

**CA 11-02382**

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. 4.)

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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 August 29, 2011. The order, inter alia,  
directed Idalynn Luppino McDonald to pay attorney fees to Kevin T.  
Stocker, Esq.

It is hereby ORDERED that the order so appealed from is  
unanimously reversed on the law 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