

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

**1140**

**CA 11-01348**

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND VALENTINO, JJ.

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LYNN M. DELBELLO, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

THOMAS M. DELBELLO, DEFENDANT-APPELLANT.  
(APPEAL NO. 3.)

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THOMAS M. DELBELLO, DEFENDANT-APPELLANT PRO SE.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (LAURA J. EMERSON OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered May 12, 2011 in a divorce action. The order, among other things, disbursed funds in the escrow account of plaintiff's attorney.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by vacating the second ordering paragraph and as modified the order is affirmed without costs and the matter is remitted to Supreme Court, Erie County, for further proceedings in accordance with the same Memorandum as in *Delbello v Delbello* ([appeal No. 1] \_\_\_\_ AD3d \_\_\_\_ [Nov. 9, 2012]).

Entered: November 9, 2012

Frances E. Cafarell  
Clerk of the Court