

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

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CA 13-00388

PRESENT: SMITH, J.P., CARNI, SCONIERS, AND VALENTINO, JJ.

SUSAN GATELY, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

JAMES GATELY, DEFENDANT-APPELLANT.

THOMAS A. PALMER, RECEIVER, RESPONDENT.
(APPEAL NO. 2.)

D.J. & J.A. CIRANDO, ESQS., SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR DEFENDANT-APPELLANT.

DAMON MOREY LLP, BUFFALO (MICHAEL J. WILLETT OF COUNSEL), AND J. ADAMS & ASSOCIATES, PLLC, WILLIAMSVILLE, FOR PLAINTIFF-RESPONDENT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL), FOR RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered May 3, 2012. The order vacated a notice of pendency filed by defendant against plaintiff and the receiver.

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

Same Memorandum as in *Gately v Gately* ([appeal No. 1] ___ AD3d ___ [May 2, 2014]).

Entered: May 2, 2014

Frances E. Cafarell
Clerk of the Court