

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

456

CA 12-01490

PRESENT: CENTRA, J.P., FAHEY, CARNI, WHALEN, AND MARTOCHE, JJ.

GERALD SCHMITT, PLAINTIFF-APPELLANT,

V

ORDER

SANDRA SCHMITT, DEFENDANT-RESPONDENT.
(APPEAL NO. 4.)

KUSTELL LAW GROUP, LLP, BUFFALO (CARL B. KUSTELL OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

MARY ANNE CONNELL, ATTORNEY FOR THE CHILD, BUFFALO.

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered July 13, 2012 in a divorce action. The order, inter alia, denied the motion of plaintiff for leave to reargue his posttrial motion.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Empire Ins. Co. v Food City*, 167 AD2d 983, 984).

Entered: June 14, 2013

Frances E. Cafarell
Clerk of the Court