

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D18802
X/kmg

_____AD3d_____

Argued - March 4, 2008

STEVEN W. FISHER, J.P.
DAVID S. RITTER
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2006-07452

DECISION & ORDER

In the Matter of Betty Jean McKanic, deceased.
Scott Pete, respondent; Janulyn McKanic, appellant.

(File No. 04-4218)

Stephen A. Katz, New York, N.Y., for appellant.

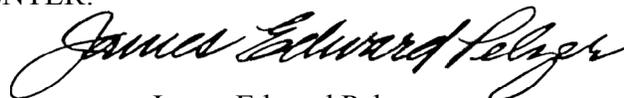
Thomas E. Brett, Kew Gardens, N.Y., for respondent.

In a probate proceeding in which Scott Pete petitioned to vacate a decree dated January 5, 2005, admitting the decedent's will to probate, Janulyn McKanic appeals, as limited by her brief, from so much of an order of the Surrogate's Court, Queens County (Nahman, S.), dated July 13, 2006, as granted Scott Pete's motion to depose the business entity that allegedly prepared the will and to extend the deadline for filing objections to probate.

ORDERED that the appeal is dismissed as academic in light of our determination on the companion appeal (*see Matter of McKanic*, _____AD3d_____ [Appellate Division Docket No. 2006-01114, decided herewith]), with costs.

FISHER, J.P., RITTER, DILLON and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 29, 2008

MATTER OF McKANIC, DECEASED