

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

D26128
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_____AD3d_____

Submitted - January 15, 2010

REINALDO E. RIVERA, J.P.
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
L. PRISCILLA HALL, JJ.

2009-03304

DECISION & ORDER

In the Matter of Ronald John Skolinsky, deceased.
Elaine Villafana, respondent; Maureen L. Barry,
et al., objectants-appellants; Friars of the Atonement,
Inc., intervenor-respondent; et al., distributee-
respondent.

(Index No. 128/06)

Kieffer and Hahn LLP, New York, N.Y. (Michael C. Devine of counsel), for
objectants-appellants.

Bleakley Platt & Schmidt, LLP, White Plains, N.Y. (Nancy J. Rudolph, Susan E.
Galvão, and Jason G. Neroulias of counsel), for respondent.

Michael Keating, White Plains, N.Y. (Susan R. Nudelman and Bernadette Kenny of
counsel), for intervenor-respondent.

In a probate proceeding, the objectants Maureen Barry, JoRita DeFrancesco, Daniel
P. Flynn, Robert J. Higgins, Patricia M. Hornik, and Adrian Leahy appeal from so much of an order
of the Surrogate's Court, Putnam County (Reitz, S.), dated January 22, 2009, as denied that branch
of their motion pursuant to SCPA 1404 which was to compel the disclosure of certain documents.

ORDERED that the order is affirmed insofar as appealed from, with one bill of costs
to the respondent and the intervenor-respondent.

February 9, 2010

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MATTER OF SKOLINSKY, DECEASED

Parties are entitled to disclosure of all matter “material and necessary” to prosecution of the action (CPLR 3101[a]; *see Allen v Crowell-Collier Publ. Co.*, 21 NY2d 403, 406; *Trimarco v Data Treasury Corp.*, 59 AD3d 615). Upon an in camera inspection of the documents at issue here, consisting of the minutes of the General Council meetings of the intervenor Friars of Atonement, Inc., from March 16, 1985, through March 15, 1990, the Surrogate’s Court providently exercised its discretion in denying that branch of the appellants’ motion which was to compel production of those minutes (*see Andon v 302-304 Mott St. Assoc.*, 94 NY2d 740, 745; *Vyas v Campbell*, 4 AD3d 417, 418).

The appellants’ remaining contentions are without merit.

The intervenor’s remaining contention has been rendered academic in light of our determination.

RIVERA, J.P., DICKERSON, CHAMBERS and HALL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court