

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

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**CA 18-00549**

PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

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THOMAS H. O'NEILL, JR.,  
PLAINTIFF-APPELLANT-RESPONDENT,

V

MEMORANDUM AND ORDER

ROSE R. O'NEILL,  
DEFENDANT-RESPONDENT-APPELLANT.  
(APPEAL NO. 1.)

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LAW OFFICE OF RALPH C. LORIGO, WEST SENECA, JAMES P. RENDA, BUFFALO,  
FOR PLAINTIFF-APPELLANT-RESPONDENT.

KENNEY SHELTON LIPTAK & NOWAK LLP, BUFFALO (SHARI JO REICH OF  
COUNSEL), AND SCHOEMAN UPDIKE KAUFMAN & GERBER LLP, NEW YORK CITY, FOR  
DEFENDANT-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.) entered August 4, 2017. The order, among other things, denied defendant's motion for leave to reargue a prior application and denied plaintiff's cross motion for a downward modification of his maintenance obligation.

It is hereby ORDERED that said cross appeal is unanimously dismissed and the order is affirmed without costs.

Same memorandum as in *O'Neill v O'Neill* ([appeal No. 4] - AD3d - [July 31, 2019] [4th Dept 2019]).

Entered: July 31, 2019

Mark W. Bennett  
Clerk of the Court