

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

1261

CA 10-00045

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, LINDLEY, AND GREEN, JJ.

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IN THE MATTER OF THE ESTATE OF KEVIN W. STANLEY,  
DECEASED.

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DIANE R. STANLEY, AS EXECUTRIX,  
PETITIONER-APPELLANT;

MEMORANDUM AND ORDER

LAWRENCE J. MATTAR, ESQ., AS GUARDIAN AD LITEM  
FOR ASHLEY STANLEY, A MINOR, AND ARCANGELO J.  
PETRICCA, ESQ., AS GUARDIAN AD LITEM FOR KATHRYN  
STANLEY, A MINOR, RESPONDENTS-RESPONDENTS.

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IN THE MATTER OF THE ESTATE OF KATHLEEN A.  
STANLEY, DECEASED.

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RICHARD T. STANLEY, AS ADMINISTRATOR,  
PETITIONER-APPELLANT;

LAWRENCE J. MATTAR, ESQ., AS GUARDIAN AD LITEM  
FOR ASHLEY STANLEY, A MINOR, AND ARCANGELO J.  
PETRICCA, ESQ., AS GUARDIAN AD LITEM FOR KATHRYN  
STANLEY, A MINOR, RESPONDENTS-RESPONDENTS.  
(APPEAL NO. 3.)

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HOGAN WILLIG, AMHERST (JOHN LICATA OF COUNSEL), FOR  
PETITIONERS-APPELLANTS.

ARCANGELO J. PETRICCA, LACKAWANNA, RESPONDENT-RESPONDENT PRO SE FOR  
ARCANGELO J. PETRICCA, ESQ., AS GUARDIAN AD LITEM FOR KATHRYN STANLEY,  
A MINOR.

MATTAR, D'AGOSTINO & GOTTLIEB, LLP, BUFFALO (JONATHAN SCHAPP OF  
COUNSEL), FOR RESPONDENT-RESPONDENT LAWRENCE J. MATTAR, ESQ., AS  
GUARDIAN AD LITEM FOR ASHLEY STANLEY, A MINOR.

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Appeals from an order of the Surrogate's Court, Erie County  
(Barbara Howe, S.), entered October 9, 2009. The order, among other  
things, determined that petitioners' amended pleadings were untimely  
filed.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Same Memorandum as in *Matter of Stanley* ([appeal No. 1], \_\_\_ AD3d

\_\_\_\_ [Dec. 30, 2010]).

Entered: December 30, 2010

Patricia L. Morgan  
Clerk of the Court