

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

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CA 10-01686

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ.

MURRAY J.S. KIRSHTein, AS GUARDIAN AND AS
ADMINISTRATOR OF THE ESTATE OF GEORGE J.
TAPPER, DECEASED, PLAINTIFF,

V

OPINION AND ORDER

AMERICU CREDIT UNION (FORMERLY UP STATE FEDERAL
CREDIT UNION), DEFENDANT,
ET AL., DEFENDANT.
(AND A THIRD-PARTY ACTION.)
(ACTION NO. 1.)

MURRAY J.S. KIRSHTein, AS ADMINISTRATOR OF THE
ESTATE OF GEORGE J. TAPPER, DECEASED,
PLAINTIFF-RESPONDENT,

V

TOYS-"R"-US, INC., DEFENDANT-APPELLANT,
ET AL., DEFENDANTS.
(AND A THIRD-PARTY ACTION.)
(ACTION NO. 2.)
(APPEAL NO. 2.)

NASTO LAW FIRM, YORKVILLE (JOHN A. NASTO, JR., OF COUNSEL), FOR
DEFENDANT-APPELLANT.

ROSSI AND MURNANE, NEW YORK MILLS (VINCENT J. ROSSI, JR., OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from a judgment of the Supreme Court, Oneida County
(Samuel D. Hester, J.), entered March 31, 2010. The judgment, among
other things, ordered defendant Toys-"R"-Us to pay plaintiff the sum
of \$263,017.80.

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

Same Opinion by CENTRA, J.P., as in *Kirshtein v AmericU Credit
Union* ([appeal No. 1] ___ AD3d ___ [Mar. 25, 2011]).

Entered: March 25, 2011

Patricia L. Morgan
Clerk of the Court