

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

942

CA 11-01678

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

IN THE MATTER OF THE TRUSTS FOR STEPHANIE
MCDONALD AND KELLY MCDONALD CREATED IN THE
WILL OF IGNATIUS S. LUPPINO, DECEASED.

STEPHANIE MCDONALD AND KELLY MCDONALD,
PETITIONERS-RESPONDENTS;
IDALYNN LUPPINO MCDONALD, TRUSTEE,
RESPONDENT-APPELLANT.

MEMORANDUM AND ORDER

THOMAS F. HEWNER, ESQ., COURT APPOINTED SUCCESSOR
TRUSTEE, RESPONDENT.
(APPEAL NO. 3.)

BARRY J. DONOHUE, TONAWANDA, FOR RESPONDENT-APPELLANT.

KEVIN T. STOCKER, TONAWANDA, FOR PETITIONERS-RESPONDENTS.

Appeal from an order of the Surrogate's Court, Erie County
(Barbara Howe, S.), entered July 5, 2011. The order, inter alia,
removed Idalynn Luppino McDonald as trustee and appointed Thomas F.
Hewner, Esq. as successor trustee.

It is hereby ORDERED that the order so appealed from is
unanimously vacated on the law without costs.

Same Memorandum as in *Matter of Luppino* ([appeal No. 1] ___ AD3d
___ [Nov. 9, 2012]).

Entered: November 9, 2012

Frances E. Cafarell
Clerk of the Court