

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

670

CA 08-02076

PRESENT: SCUDDER, P.J., MARTOCHE, FAHEY, PERADOTTO, AND GREEN, JJ.

FREDERICK R. HAWKES, PLAINTIFF-RESPONDENT,

V

ORDER

BONNIE M. HAWKES, DEFENDANT-APPELLANT.
(APPEAL NO. 3.)

KUSTELL LAW GROUP, BUFFALO (CARL B. KUSTELL OF COUNSEL), FOR
DEFENDANT-APPELLANT.

GREGG S. MAXWELL, BUFFALO, FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered September 10, 2008 in a divorce action. The order, among other things, denied defendant's request to reopen the previous denial of defendant's application for maintenance.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Mergl v Mergl*, 19 AD3d 1146, 1147).

Entered: April 24, 2009

Patricia L. Morgan
Deputy Clerk of the Court