

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

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CA 11-01744

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

ELLEN J. GALLAGHER, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

EDWARD R. GALLAGHER, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

D.J. & J.A. CIRANDO, ESQS., SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR
DEFENDANT-APPELLANT.

GETNICK, LIVINGSTON, ATKINSON & PRIORE, LLP, UTICA (THOMAS L. ATKINSON
OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered August 8, 2011 in a divorce action. The order, among other things, denied defendant's motion for recusal and held defendant in contempt of court.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by vacating the fifth ordering paragraph and as modified the order is affirmed without costs.

Same Memorandum as in *Gallagher v Gallagher* ([appeal No. 1] ___ AD3d ___ [Mar. 23, 2012]).

Entered: March 23, 2012

Frances E. Cafarell
Clerk of the Court