

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

455

CA 12-01489

PRESENT: CENTRA, J.P., FAHEY, CARNI, WHALEN, AND MARTOCHE, JJ.

---

GERALD SCHMITT, PLAINTIFF-APPELLANT,

V

ORDER

SANDRA SCHMITT, DEFENDANT-RESPONDENT.  
(APPEAL NO. 3.)

---

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

MARY ANNE CONNELL, ATTORNEY FOR THE CHILD, BUFFALO.

---

Appeal from a judgment of the Supreme Court, Erie County (John F. O'Donnell, J.), entered July 13, 2012 in a divorce action. The judgment granted defendant's attorney a default money judgment of \$7,250.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see CPLR 5511; *Johnson v McFadden Ford*, 278 AD2d 907).

Entered: June 14, 2013

Frances E. Cafarell  
Clerk of the Court