

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

879

**CA 12-01237**

PRESENT: CENTRA, J.P., FAHEY, LINDLEY, SCONIERS, AND WHALEN, JJ.

---

MELISSA MANISCALCO, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

PHILIP MANISCALCO, DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

---

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

SPADAFORA & VERRASTRO, LLP, BUFFALO (KELLY A. FERON OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

---

Appeal from an order the Supreme Court, Erie County (Frederick J. Marshall, J.), entered June 26, 2012 in a divorce action. The order, inter alia, ratified the court's memorandum decision, with modifications.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same Memorandum as in *Maniscalco v Maniscalco* ([appeal No. 2] \_\_\_\_ AD3d \_\_\_\_ [Sept. 27, 2013]).

Entered: September 27, 2013

Frances E. Cafarell  
Clerk of the Court