

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

1171

CA 13-00497

PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, LINDLEY, AND VALENTINO, JJ.

IN THE MATTER OF THE ESTATE OF ROBYN R. LEWIS,
DECEASED.

JAMES ROBERT SIMMONS, PETITIONER-RESPONDENT;

OPINION AND ORDER

MEREDITH M. STEWART, RONALD L. LEWIS, RONALD L.
LEWIS, II, AND JONATHAN K. LEWIS,
OBJECTANTS-APPELLANTS.
(APPEAL NO. 2.)

WITTENBURG LAW FIRM, LLC, SYRACUSE, D.J. & J.A. CIRANDO, ESQS.
(ELIZABETH deV. MOELLER OF COUNSEL), FOR OBJECTANTS-APPELLANTS.

MENTER, RUDIN & TRIVELPIECE, P.C., SYRACUSE (JULIAN B. MODESTI OF
COUNSEL), FOR PETITIONER-RESPONDENT.

Appeal from a decree of the Surrogate's Court, Jefferson County
(Peter A. Schwerzmann, S.), entered May 22, 2012. The decree revoked
amended letters of administration issued to objectants Ronald L. Lewis
and Meredith M. Stewart and issued letters testamentary to petitioner.

It is hereby ORDERED that the decree so appealed from is affirmed
without costs.

Same Opinion by SCUDDER, P.J., as in *Matter of Lewis* ([appeal No.
1] ___ AD3d ___ [Jan. 3, 2014]).

FAHEY, LINDLEY and VALENTINO, JJ., concur with SCUDDER, P.J.;
PERADOTTO, J., dissents and votes to reverse in accordance with the
same dissenting Opinion as in *Matter of Lewis* ([appeal No. 1] ___ AD3d
___ [Jan 3, 2014]).

Entered: January 3, 2014

Frances E. Cafarell
Clerk of the Court