

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

1033

**CA 14-00365**

PRESENT: SMITH, J.P., PERADOTTO, VALENTINO, WHALEN, AND DEJOSEPH, JJ.

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KATHLEEN MILLS, PLAINTIFF-RESPONDENT,

V

ORDER

JOSEPH DAVID MILLS, SR., DEFENDANT-APPELLANT.

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LEONARD BERKOWITZ, ORCHARD PARK, FOR DEFENDANT-APPELLANT.

NUCHERENO & NAGEL, BUFFALO (CATHERINE E. NAGEL OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered July 31, 2013 in a divorce action. The judgment, inter alia, confirmed the report of a referee equitably distributing the marital property of the parties.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision and the report of the Referee at Supreme Court.

Entered: September 26, 2014

Frances E. Cafarell  
Clerk of the Court