

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

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CA 20-00903

PRESENT: WHALEN, P.J., SMITH, CENTRA, TROUTMAN, AND WINSLOW, JJ.

HILARY LESNIAK, AS ADMINISTRATRIX OF THE
ESTATE OF KATHRYN PODESWIK, DECEASED,
PLAINTIFF-APPELLANT,

V

ORDER

WELLS FARGO BANK NA, SUCCESSOR BY MERGER
TO WELLS FARGO BANK MINNESOTA, NA, AS
TRUSTEE FORMERLY KNOWN AS NORWEST BANK
MINNESOTA, NA, AS TRUSTEE FOR THE DELTA
FUNDING HOME EQUITY LOAN ASSET-BACKED
CERTIFICATE SERIES 1999-2, PETER T. ROACH &
ASSOCIATES, P.C., DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANTS.

GARY M. KANELLIS, ESQ., NONPARTY RESPONDENT.

MARK W. BLANCHARD, WHITE PLAINS, FOR PLAINTIFF-APPELLANT.

GREENBERG TRAUIG, LLP, NEW YORK CITY (STEVEN LAZAR OF COUNSEL), FOR
DEFENDANT-RESPONDENT WELLS FARGO BANK NA, SUCCESSOR BY MERGER
TO WELLS FARGO BANK MINNESOTA, NA, AS TRUSTEE FORMERLY KNOWN AS
NORWEST BANK MINNESOTA, NA, AS TRUSTEE FOR THE DELTA FUNDING HOME
EQUITY LOAN ASSET-BACKED CERTIFICATE SERIES 1999-2.

ROACH & LIN, P.C., SYOSSET (MICHAEL C. MANNIELLO OF COUNSEL), FOR
DEFENDANT-RESPONDENT PETER T. ROACH & ASSOCIATES, P.C.

SHAPIRO, DICARO & BARAK, LLC, ROCHESTER (ELLIS M. OSTER OF COUNSEL),
FOR NONPARTY RESPONDENT.

Appeal from an order of the Supreme Court, Herkimer County
(Charles C. Merrell, J.), entered February 18, 2020. The order
granted in part the motion of nonparty Gary M. Kanellis, Esq. to quash
a subpoena and notice to take deposition.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court.

Entered: February 5, 2021

Mark W. Bennett
Clerk of the Court