

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

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CA 20-00126

PRESENT: SMITH, J.P., CARNI, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

IN THE MATTER OF THE APPLICATION OF RICHARD M.,
AS EXECUTOR OF THE ESTATE OF FRANK J.M.,
DECEASED, PETITIONER-APPELLANT;

ORDER

LUCY K., RESPONDENT,
ROBERT K., RICHARD K. AND JOAN H.,
RESPONDENTS-RESPONDENTS.

LAW OFFICE OF DAVID H. TENNANT PLLC, ROCHESTER (DAVID H. TENNANT OF
COUNSEL), FOR PETITIONER-APPELLANT.

WARD GREENBERG HELLER & REIDY LLP, ROCHESTER (JOSHUA MARK AGINS OF
COUNSEL), FOR RESPONDENTS-RESPONDENTS.

Appeal from a judgment of the Supreme Court, Monroe County
(Douglas A. Randall, A.J.), entered July 9, 2019 in a proceeding
pursuant to Mental Hygiene Law article 81. The judgment granted the
motion of respondents Robert K., Richard K., and Joan H. to dismiss
the petition.

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

Entered: October 1, 2021

Ann Dillon Flynn
Clerk of the Court