

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

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CA 22-00467

PRESENT: SMITH, J.P., LINDLEY, CURRAN, BANNISTER, AND MONTOUR, JJ.

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FRANK A. VELLA, PLAINTIFF-APPELLANT,

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MEMORANDUM AND ORDER

IRYNA M. VELLA, DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.)

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KELLY WHITE DONOFRIO LLP, ROCHESTER (DONALD A. WHITE OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

MARILYN J. PALUMBO, ROCHESTER, FOR DEFENDANT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.), entered February 5, 2021 in a divorce action. The judgment, inter alia, incorporated by reference the parties' prenuptial agreement.

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

Same memorandum as in *Vella v Vella* ([appeal No. 3] – AD3d – [Feb. 3, 2023] [4th Dept 2023]).

Entered: February 3, 2023

Ann Dillon Flynn  
Clerk of the Court