

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

331

CA 22-00251

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

IN THE MATTER OF THE ESTATE OF RICHARD N.
PANELLA, DECEASED.

MEMORANDUM AND ORDER

NICOLE A. IVIE AND STEPHEN R. PANELLA,
PETITIONERS-APPELLANTS,

V

DEBORAH WHALEN PANELLA, RESPONDENT-RESPONDENT.
(APPEAL NO. 1.)

BYRNE, COSTELLO & PICKARD, P.C., SYRACUSE (JORDAN R. PAVLUS OF
COUNSEL), FOR PETITIONERS-APPELLANTS.

BARCLAY DAMON LLP, SYRACUSE (JON P. DEVENDORF OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

Appeal from an order of the Surrogate's Court, Oneida County
(Louis P. Gigliotti, S.), entered August 3, 2021. The order, among
other things, denied petitioners' motion for summary judgment.

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

Same memorandum as in *Matter of Estate of Panella* ([appeal No. 2]
- AD3d - [July 28, 2023] [4th Dept 2023]).

Entered: July 28, 2023

Ann Dillon Flynn
Clerk of the Court