

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

772

CA 23-01840

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, GREENWOOD, AND KEANE, JJ.

IN THE MATTER OF THE ESTATE OF GORDON EWING,
ALSO KNOWN AS GORDON M. EWING, DECEASED.

ORDER

NANCY EWING, AS EXECUTOR OF THE ESTATE OF
GORDON EWING, PETITIONER-APPELLANT,

GAIL BURNS, INDIVIDUALLY AND AS ADMINISTRATOR
OF THE ESTATE OF REBECCA J. BURNS-EWING,
RESPONDENT-RESPONDENT.

THOMAS D. MIGLIACCIO, GUARDIAN AD LITEM FOR
MINOR BENEFICIARIES, APPELLANT.

(APPEAL NO. 2.)

COLE, SORRENTINO, HURLEY, HEWNER & GAMBINO, P.C., BUFFALO, MAGAVERN
MAGAVERN GRIMM LLP (EDWARD J. MARKARIAN OF COUNSEL), FOR
PETITIONER-APPELLANT.

THOMAS D. MIGLIACCIO, WILLIAMSVILLE, FOR APPELLANT.

JEFFREY F. VOELKL, WILLIAMSVILLE, FOR RESPONDENT-RESPONDENT.

Appeals from a corrected order of the Surrogate's Court, Erie
County (Acea M. Mosey, S.), entered September 28, 2023. The corrected
order, among other things, directed the Estate of Gordon Ewing to pay
respondent Gail Burns, as the fiduciary of the Estate of Rebecca J.
Burns-Ewing, the sum of \$37,780.83.

It is hereby ORDERED that said appeals are unanimously dismissed
without costs (*see Matter of Panella* [appeal No. 2], 218 AD3d 1198,
1199 [4th Dept 2023]; *Moody v Sorokina*, 56 AD3d 1246, 1247 [4th Dept
2008]).

Entered: January 31, 2025

Ann Dillon Flynn
Clerk of the Court