

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

773

**CA 24-00393**

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, EXECUTOR OF THE ESTATE OF  
GORDON EWING, DECEASED, PETITIONER-APPELLANT,

GAIL BURNS, INDIVIDUALLY AND AS ADMINISTRATOR  
OF THE ESTATE OF REBECCA J. BURNS-EWING,  
RESPONDENT-RESPONDENT.  
(APPEAL NO. 3.)

---

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

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

---

Appeal from an order of the Surrogate's Court, Erie County (Acea  
M. Mosey, S.), entered July 12, 2022. The order, among other things,  
denied in part petitioner's motion for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (*see Matter of Panella* [appeal No. 2], 218 AD3d 1198,  
1199 [4th Dept 2023]; *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d  
988, 988 [4th Dept 1988]).

Entered: January 31, 2025

Ann Dillon Flynn  
Clerk of the Court