

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

**474**

**CA 24-01763**

PRESENT: CURRAN, J.P., BANNISTER, SMITH, DELCONTE, AND HANNAH, JJ.

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CONCEPCION T. CONWAY, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

EUGENE C. CONWAY, DECEASED, DEFENDANT,  
AND NICOLE LUNDER, DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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THE SCHUPPENHAUER LAW FIRM, P.C., CANANDAIGUA (JOHN A. SCHUPPENHAUER  
OF COUNSEL), FOR PLAINTIFF-APPELLANT.

DUKE LAW FIRM, P.C., LAKEVILLE (SUSAN K. DUKE OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Ontario County  
(Frederick G. Reed, A.J.), entered February 7, 2024 in a postjudgment  
matrimonial proceeding. The order, inter alia, denied the motion of  
plaintiff for leave to reargue.

It is hereby ORDERED that said appeal from the order insofar as  
it denied plaintiff's motion for leave to reargue is unanimously  
dismissed and the order is modified on the law by denying defendant  
Nicole Lunder's motion for leave to reargue her cross-motion and  
denying her cross-motion insofar as it sought to vacate the Qualified  
Domestic Relations Order and as modified the order is affirmed without  
costs.

Same memorandum as in *Conway v Conway* ([appeal No. 1] – AD3d –  
[July 25, 2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn  
Clerk of the Court