

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

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CA 24-01564

PRESENT: WHALEN, P.J., BANNISTER, OGDEN, GREENWOOD, AND KEANE, JJ.

VINCENT C. AUBERTINE, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

KEITH A. AUBERTINE AND TRACY L. AUBERTINE,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

TREVETT CRISTO, ROCHESTER (DAVID H. EALY OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

SCHWERZMANN & WISE, P.C., WATERTOWN (KEITH B. CAUGHLIN OF COUNSEL),
FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Jefferson County
(James P. McClusky, J.), entered June 11, 2024. The order, insofar as
appealed from, granted the cross-motion of defendants for summary
judgment on their first and second counterclaims.

It is hereby ORDERED that the order insofar as appealed from is
unanimously reversed on the law without costs and the cross-motion is
denied.

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

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court