

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

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CA 24-00588

PRESENT: LINDLEY, J.P., CURRAN, SMITH, AND HANNAH, JJ.

IN THE MATTER OF THE ESTATE OF FRANCIS J. MCGUIRE,
ALSO KNOWN AS FRANK J. MCGUIRE, DECEASED.

JORDAN A. TRIPI, PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

JEANNE MARIE MCGUIRE, KATHLEEN MCGUIRE,
F. JAMES MCGUIRE, KELLY MCGUIRE, JACQUELYN
MCGUIRE GURNEY, RESPONDENTS-APPELLANTS,
AND MICHAEL J. MCGUIRE, RESPONDENT.
(APPEAL NO. 1.)

MAGAVERN MAGAVERN GRIMM LLP, BUFFALO (EDWARD J. MARKARIAN OF COUNSEL),
FOR RESPONDENT-APPELLANT JEANNE MARIE MCGUIRE.

LIPPES MATHIA, LLP, BUFFALO (COURTNEY J. DONAHUE TASNER OF COUNSEL),
FOR RESPONDENT-APPELLANT KATHLEEN MCGUIRE.

COLE, SORRENTINO, HURLEY, HEWNER AND GAMBINO, P.C., BUFFALO (THOMAS F.
HEWNER OF COUNSEL), FOR RESPONDENTS-APPELLANTS F. JAMES MCGUIRE, KELLY
MCGUIRE AND JACQUELYN MCGUIRE GURNEY.

DAN CHIACCHIA ATTORNEYS, PLLC, HAMBURG (TIFFANY M. KOPACZ OF COUNSEL),
FOR PETITIONER-RESPONDENT.

Appeals from an order of the Surrogate's Court, Erie County (Acea M. Mosey, S.), entered February 20, 2024. The order granted the application of petitioner to the extent it sought to compel nonconsensual DNA testing of a child of decedent.

It is hereby ORDERED that said appeals are unanimously dismissed without costs.

Same memorandum as in *Matter of McGuire* ([appeal No. 2] – AD3d – [July 25, 2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court