

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

112

**CA 24-01456**

PRESENT: BANNISTER, J.P., MONTOUR, SMITH, NOWAK, AND DELCONTE, JJ.

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VICTORIA H. WEINKE AND RICHARD L. CARLSON,  
CO-EXECUTORS OF THE ESTATE OF THOMAS L. CARLSON,  
DECEASED, PLAINTIFFS,

V

ORDER

ASBESTOS CORPORATION, LTD., A CORPORATION OF  
THE PROVINCE OF QUEBEC, ET AL., DEFENDANTS.  
(ACTION NO. 1.)

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MERLE C. CHAPIN AND IRENE CHAPIN, HIS SPOUSE, PLAINTIFFS,

V

ASBESTOS CORPORATION, LTD., A CORPORATION OF THE PROVINCE  
OF QUEBEC, ET AL., DEFENDANTS.  
(ACTION NO. 2.)

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ARLENE M. DIERMYER, ADMINISTRATOR OF THE ESTATE OF  
JAMES R. DIERMYER, SR., DECEASED AND INDIVIDUALLY  
AS THE SURVIVING SPOUSE OF JAMES R. DIERMYER, SR.,  
PLAINTIFF,

V

ASBESTOS CORPORATION, LTD., A CORPORATION OF THE PROVINCE  
OF QUEBEC, ET AL., DEFENDANTS.  
(ACTION NO. 3.)

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NANCY A. MATIKOSH, EXECUTOR OF THE ESTATE OF SAMUEL  
MATIKOSH, JR., DECEASED, AND INDIVIDUALLY AS THE SURVIVING  
SPOUSE OF SAMUEL MAKITOSH, JR., PLAINTIFF,

V

ASBESTOS CORPORATION, LTD., A CORPORATION OF THE PROVINCE  
OF QUEBEC, ET AL., DEFENDANTS.  
(ACTION NO. 4.)

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NANCY M. MUIR, AS EXECUTOR OF THE ESTATE OF JOSEPH L.  
MUIR, DECEASED, PLAINTIFF-RESPONDENT,

V

AIR & LIQUID SYSTEMS CORPORATION, AS SUCCESSOR BY  
MERGER TO BUFFALO PUMPS, INC., ET AL., DEFENDANTS.

(ACTION NO. 5.)

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KENNETH C. ZUHR AND CAROL ANN ZUHR, HIS SPOUSE, PLAINTIFFS,

V

ASBESTOS CORPORATION, LTD., A CORPORATION OF THE  
PROVINCE OF QUEBEC, ET AL., DEFENDANTS.  
(ACTION NO. 6.)

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HEDMAN RESOURCES LIMITED, DEFENDANT-APPELLANT.

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CLYDE & CO US LLP, NEW YORK CITY (PETER J. DINUNZIO OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

LIPSITZ, PONTERIO & COMERFORD, LLC, BUFFALO (DENNIS P. HARLOW OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Raymond  
W. Walter, J.), entered August 23, 2024, in a personal injury action.  
The order, inter alia, denied the motion of defendant Hedman Resources  
Limited to vacate a judgment obtained in action No. 5.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs (*see Richards v Hedman Resources  
Ltd.*, 204 AD3d 1407, 1407-1409 [4th Dept 2022]).

Entered: February 11, 2026

Ann Dillon Flynn  
Clerk of the Court