

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

287

CA 24-02071

PRESENT: WHALEN, P.J., BANNISTER, MONTOUR, GREENWOOD, AND HANNAH, JJ.

IN THE MATTER OF THE ESTATE OF JANET HESS,
ALSO KNOWN AS JANET ELAINE HESS, DECEASED.

BARRETT HESS, PETITIONER-APPELLANT,

ORDER

JENNIFER HESS, ADAM HESS AND
EPHRAIM HESS, RESPONDENTS-RESPONDENTS.

PHILLIPS LYTTLE LLP, BUFFALO (AMANDA L. LOWE OF COUNSEL), FOR
PETITIONER-APPELLANT.

HODGSON RUSS LLP, ALBANY (MICHAEL D. ZAhLER OF COUNSEL), FOR
RESPONDENT-RESPONDENT JENNIFER HESS.

LIPPES MATHIAS LLP, BUFFALO (COURTNEY DONAHUE TASNER OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS ADAM HESS AND EPHRAIM HESS.

Appeal from an order of the Surrogate's Court, Chautauqua County
(Stephen W. Cass, S.), entered December 4, 2024. The order granted
the motion of respondents to dismiss the probate petition and
dismissed the petition.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed with costs for reasons stated in the decision by
the Surrogate.

Entered: April 24, 2026

Ann Dillon Flynn
Clerk of the Court