

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

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CA 25-00978

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

PAUL RYAN, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

SUSAN CUNNINGHAM, ALAN LINCOLN, NANCY KERRIGAN,
CHARLIE BERNET, KRISTA TASKEY, DIANA MARLEY,
DAVID SMART, HUNTWOOD HOMEOWNERS ASSOCIATION,
PROPERTY MANAGEMENT ALLIANCE, LLC,
AND MURRAY LANDSCAPING, DEFENDANTS-RESPONDENTS.

PAUL RYAN, PLAINTIFF-APPELLANT PRO SE.

CERIO LAW OFFICES, SYRACUSE (DAVID W. HERKALA OF COUNSEL), FOR
DEFENDANT-RESPONDENT SUSAN CUNNINGHAM.

SMITH SOVIK KENDRICK & SUGNET P.C., SYRACUSE (GARDAR G. OLAFSSON OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS ALAN LINCOLN, NANCY KERRIGAN,
CHARLIE BERNET, KRISTA TASKEY, DIANA MARLEY AND HUNTWOOD HOMEOWNERS
ASSOCIATION.

Appeal from an order of the Supreme Court, Onondaga County
(Robert E. Antonacci, II, J.), entered March 25, 2025. The order
denied plaintiff's application for an order to show cause.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs.

Memorandum: Plaintiff appeals from an order insofar as it denied
his application for an order to show cause seeking the removal of a
wall erected adjacent to a back deck by his adjoining townhome
neighbor. We conclude that the appeal must be dismissed because "no
appeal lies . . . from the denial of an application to sign an order
to show cause" (*Quattrone v Erie 2 Chautauqua-Cattaraugus Bd. of Coop.
Educ. Servs.*, 243 AD3d 1337, 1338 [4th Dept 2025] [internal quotation
marks omitted]; see *M.B. v F.B.*, 235 AD3d 497, 498 [1st Dept 2025], *lv
denied* 44 NY3d 901 [2025]).

Entered: June 26, 2026

Ann Dillon Flynn
Clerk of the Court