

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

19

CA 17-01229

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

JUN W. CARNEY, PLAINTIFF-RESPONDENT,

V

OPINION AND ORDER

PATRICK J. CARNEY, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, APPELLANT.
(APPEAL NO. 2.)

HARRIS BEACH PLLC, PITTSFORD (SVETLANA K. IVY OF COUNSEL), FOR
DEFENDANT-APPELLANT AND APPELLANT.

MICHAEL STEINBERG, ROCHESTER, FOR PLAINTIFF-RESPONDENT.

CHIEF DEFENDERS ASSOCIATION OF NEW YORK, ALBANY (JAMES A. HOBBS OF
COUNSEL), AND THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO, FOR
CHIEF DEFENDERS ASSOCIATION OF NEW YORK, AMICI CURIAE.

Appeal from an order of the Supreme Court, Monroe County (Richard
A. Dollinger, A.J.), entered June 26, 2017. The order directed that
\$50,000 in income should be imputed to defendant and that defendant is
not eligible for the appointment of counsel in the pending proceeding.

It is hereby ORDERED that said appeal insofar as taken by Timothy
P. Donaher is unanimously dismissed and the order is vacated on the
law without costs.

Same opinion as in *Carney v Carney* ([appeal No. 1] – AD3d – [Mar.
23, 2018] [4th Dept 2018]).

Entered: March 23, 2018

Mark W. Bennett
Clerk of the Court