

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

123

CA 23-01179

PRESENT: SMITH, J.P., MONTOUR, OGDEN, DELCONTE, AND KEANE, JJ.

EUGENE MUSIAL AND LORRAINE MUSIAL,
PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

DAVID C. DONOHUE, ESQ., BARRY J. DONOHUE, ESQ.,
JOHN F. DONOHUE, ESQ., DONOHUE LAW OFFICES,
DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANTS.
(APPEAL NO. 2.)

KEVIN T. STOCKER, TONAWANDA, FOR PLAINTIFFS-APPELLANTS.

GOLDBERG SEGALLA LLP, BUFFALO (MEGHAN M. BROWN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Niagara County (Frank A. Sedita, III, J.), entered June 6, 2023. The order denied the motion of plaintiffs seeking, inter alia, to strike the note of issue.

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

Same memorandum as in *Musial v Donohue* ([appeal No. 1]) - AD3d - [Mar. 15, 2024] [4th Dept 2024]).

Entered: March 15, 2024

Ann Dillon Flynn
Clerk of the Court