

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

1116

CA 16-02000

PRESENT: CENTRA, J.P., PERADOTTO, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

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HILARY LESNIAK, AS ADMINISTRATOR OF THE  
ESTATE OF KATHRYN PODESWIK, DECEASED,  
PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

WELLS FARGO BANK, NA, SUCCESSOR BY  
MERGER TO WELLS FARGO BANK MINNESOTA, NA, AS  
TRUSTEE FORMERLY KNOWN AS NORWEST BANK  
MINNESOTA, NA, AS TRUSTEE FOR DELTA FUNDING  
HOME EQUITY LOAN ASSET-BACKED CERTIFICATE  
SERIES 1999-2, ET AL., DEFENDANTS,  
AND PETER T. ROACH & ASSOCIATES, P.C.,  
DEFENDANT-APPELLANT-RESPONDENT.

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PETER T. ROACH & ASSOCIATES, P.C., SYOSSET (MICHAEL C. MANNIELLO OF  
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT.

LAURIE A. LESNIAK, WHITE PLAINS, FOR PLAINTIFF-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Supreme Court,  
Herkimer County (Erin P. Gall, J.), entered November 17, 2015. The  
order granted the motion of plaintiff seeking leave to amend the  
complaint to, inter alia, change the name of party defendant Peter T.  
Roach, Esq., to Peter T. Roach & Associates, P.C., and granted the  
cross motion of defendant Peter T. Roach, Esq., for summary judgment  
dismissing the complaint against him.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs for reasons stated at Supreme  
Court.

Entered: September 29, 2017

Mark W. Bennett  
Clerk of the Court