

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

677

CA 17-01885

PRESENT: SMITH, J.P., CARNI, DEJOSEPH, NEMOYER, AND CURRAN, JJ.

SUSAN D. MONGIELO, PLAINTIFF-RESPONDENT,

V

ORDER

DAVID J. MONGIELO, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

JAMES OSTROWSKI, BUFFALO, FOR DEFENDANT-APPELLANT.

HOGANWILLIG, PLLC, AMHERST (DIANE R. TIVERON OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Mark Montour, J.), dated December 23, 2016. The order, among other things, granted plaintiff's quantum meruit application for counsel fees.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d 985, 985 [4th Dept 1990]).

Entered: June 8, 2018

Mark W. Bennett
Clerk of the Court