

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

586

CA 24-00098

PRESENT: SMITH, J.P., CURRAN, MONTOUR, NOWAK, AND DELCONTE, JJ.

PATRICK CAPPOLA, AS PROPOSED EXECUTOR OF
THE ESTATE OF ROSE CAPPOLA, DECEASED,
PLAINTIFF-RESPONDENT,

V

ORDER

TENNYSON COURT, TENNYSON COURT, LLC, SALEM
BUFFALO, LLC, AND JAMES T. HANDS,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

ROACH, BROWN, MCCARTHY & GRUBER, P.C., BUFFALO (MEGHANN N. ROEHL OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

BROWN CHIARI LLP, BUFFALO (TIMOTHY M. HUDSON OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Amy C. Martoche, J.), entered May 9, 2023. The order, insofar as appealed from, denied in part the motion of defendants to dismiss the complaint and granted plaintiff's cross-motion to amend the complaint to substitute Mark Cappola and Patrick Cappola, as the executors of the estate of Rose Cappola, as plaintiffs.

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

Entered: September 27, 2024

Ann Dillon Flynn
Clerk of the Court