

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

307

CA 16-00939

PRESENT: WHALEN, P.J., SMITH, CENTRA, CURRAN, AND SCUDDER, JJ.

IN THE MATTER OF THE ESTATE OF ANTHONY J.
THOMAS, DECEASED

IN THE MATTER OF THE ESTATE OF DOROTHY THOMAS,
DECEASED.

JOSEPH M. THOMAS AND GLORIA M. BORRELLI,
PETITIONERS-APPELLANTS,

V

ORDER

TOM J. THOMAS, RESPONDENT-RESPONDENT.
(APPEAL NO. 1.)

BOND, SCHOENECK & KING, PLLC, ROCHESTER (JONATHAN B. FELLOWS OF
COUNSEL), FOR PETITIONERS-APPELLANTS.

ADAMS BELL ADAMS, P.C., ROCHESTER (ANTHONY J. ADAMS, JR., OF COUNSEL),
AND LACY KATZEN (RACHELLE H. NUHFER OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

Appeal from an order of the Surrogate's Court, Monroe County
(John M. Owens, S.), entered March 4, 2016. The order, among other
things, directed that petitioners have the burden of proof at the
hearing to establish that New York State Fence Company stock should be
included in the estates.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988;
Chase Manhattan Bank, N.A. v Roberts & Roberts, 63 AD2d 566, 567; *see*
also CPLR 5501 [a] [1]).

Entered: March 31, 2017

Frances E. Cafarell
Clerk of the Court