

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

701

CA 18-00550

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

THOMAS H. O'NEILL, JR.,
PLAINTIFF-APPELLANT-RESPONDENT,

V

MEMORANDUM AND ORDER

ROSE R. O'NEILL,
DEFENDANT-RESPONDENT-APPELLANT.
(APPEAL NO. 2.)

LAW OFFICE OF RALPH C. LORIGO, WEST SENECA, JAMES P. RENDA, BUFFALO,
FOR PLAINTIFF-APPELLANT-RESPONDENT.

SCHOEMAN UPDIKE KAUFMAN & GERBER LLP, NEW YORK CITY (BETH L. KAUFMAN
OF COUNSEL), AND KENNEY SHELTON LIPTAK & NOWAK LLP, BUFFALO, FOR
DEFENDANT-RESPONDENT-APPELLANT.

Appeal and cross appeal from an order of the Supreme Court, Erie
County (Timothy J. Walker, A.J.) entered January 9, 2018. The order,
among other things, granted defendant maintenance arrears and
attorneys' fees.

It is hereby ORDERED that said appeal is unanimously dismissed,
the cross appeal is dismissed insofar as it concerns plaintiff's
motion to change the beneficiary on the subject life insurance policy
and the denial of relief pursuant to CPLR 5019 (a), and the order is
modified on the law by granting that part of defendant's application
seeking to recover medical expenses in the amount of \$5,412.01, plus
9% interest commencing August 1, 2016, and as modified the order is
affirmed without costs.

Same memorandum as in *O'Neill v O'Neill* ([appeal No. 4] – AD3d –
[July 31, 2019] [4th Dept 2019]).

Entered: July 31, 2019

Mark W. Bennett
Clerk of the Court