

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

705

**CA 19-00189**

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

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

V

MEMORANDUM AND ORDER

ROSE R. O'NEILL, DEFENDANT-RESPONDENT.  
(APPEAL NO. 6.).

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

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

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Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Timothy J. Walker, A.J.) entered July 10, 2018. The order and judgment, among other things, awarded maintenance arrears to defendant.

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

Memorandum: Plaintiff appeals from an order and judgment that, inter alia, awarded maintenance arrears to defendant. The appeal must be dismissed because the order and judgment was entered on plaintiff's consent (see *Dumond v New York Cent. Mut. Fire Ins. Co.*, 166 AD3d 1554, 1555 [4th Dept 2018]).

Entered: July 31, 2019

Mark W. Bennett  
Clerk of the Court