

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

1419

CA 18-00670

PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

IN THE MATTER OF ROSS M. CELLINO, JR.,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

CELLINO & BARNES, P.C., AND STEPHEN E. BARNES,
RESPONDENTS-APPELLANTS.
(APPEAL NO. 2.)

DUKE HOLZMAN PHOTIADIS & GRESENS LLP, BUFFALO (GREGORY P. PHOTIADIS OF
COUNSEL), AND LIPSITZ GREEN SCIME CAMBRIA LLP, FOR
RESPONDENTS-APPELLANTS.

CONNORS LLP, BUFFALO (TERRENCE M. CONNORS OF COUNSEL), AND HODGSON
RUSS LLP, FOR PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Deborah
A. Chimes, J.), entered April 2, 2018. The order, insofar as appealed
from, denied in part the motion of respondents to dismiss the amended
petition.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Same memorandum as in *Matter of Cellino v Cellino & Barnes, P.C.*
([appeal No. 1] - AD3d - [Aug. 22, 2019] [4th Dept 2019]).

Entered: August 22, 2019

Mark W. Bennett
Clerk of the Court