

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

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CA 22-00150

PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, AND MONTOUR, JJ.

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IN THE MATTER OF TIMOTHY ALLEN, BEVERLEY BRITZZALARO, LOUISE MACVIE, TERRENCE WELSCH, ARTHUR WINGERTER, ALL AS TRUSTEES OF THE WALTER N. WELSCH 2006 IRREVOCABLE TRUST, AND CHARLES W. CHIAMPOU, AS THE TRUST PROTECTOR OF THE WALTER N. WELSCH 2006 IRREVOCABLE TRUST, PETITIONERS-RESPONDENTS-APPELLANTS,

V

ORDER

MICHAEL ANNALETT AND VIRGINIA WILTBERGER, AS TRUSTEES OF THE WALTER N. WELSCH 2006 IRREVOCABLE TRUST, RESPONDENTS-APPELLANTS-RESPONDENTS, AND MICHAEL J. MOLEY, RESPONDENT-RESPONDENT.

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BARCLAY DAMON LLP, BUFFALO (JENNIFER G. FLANNERY OF COUNSEL), FOR RESPONDENT-APPELLANT-RESPONDENT MICHAEL ANNALETT, AS TRUSTEE OF THE WALTER N. WELSCH 2006 IRREVOCABLE TRUST.

LIPPES MATHIAS LLP, BUFFALO (BRENDAN H. LITTLE OF COUNSEL), FOR RESPONDENT-APPELLANT-RESPONDENT VIRGINIA WILTBERGER, AS TRUSTEE OF THE WALTER N. WELSCH 2006 IRREVOCABLE TRUST.

PHILLIPS LYTTLE LLP, BUFFALO (JOSHUA GLASGOW OF COUNSEL), FOR PETITIONERS-RESPONDENTS-APPELLANTS TIMOTHY ALLEN, BEVERLEY BRITZZALARO, LOUISE MACVIE, AND TERRENCE WELSCH, ALL AS TRUSTEES OF THE WALTER N. WELSCH 2006 IRREVOCABLE TRUST.

WOODS OVIATT GILMAN LLP, BUFFALO (WILLIAM F. SAVINO OF COUNSEL), FOR PETITIONER-RESPONDENT-APPELLANT ARTHUR WINGERTER, AS TRUSTEE OF THE WALTER N. WELSCH 2006 IRREVOCABLE TRUST.

ZDARSKY, SAWICKI & AGOSTINELLI LLP, BUFFALO (JOSEPH E. ZDARSKY OF COUNSEL), FOR PETITIONER-RESPONDENT-APPELLANT CHARLES W. CHIAMPOU, AS THE TRUST PROTECTOR OF THE WALTER N. WELSCH 2006 IRREVOCABLE TRUST.

HOOVER & DURLAND LLP, BUFFALO (TIMOTHY W. HOOVER OF COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeals and cross appeals from a judgment (denominated order) of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 22, 2021. The judgment, among other things, declared that petitioner Charles W. Chiampou, as the trust protector of the Walter

N. Welsch 2006 Irrevocable Trust, possessed the authority to remove respondent Michael Annalett as the independent trustee.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: March 17, 2023

Ann Dillon Flynn  
Clerk of the Court