

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

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CA 21-00995

PRESENT: SMITH, J.P., PERADOTTO, CURRAN, BANNISTER, AND MONTOUR, JJ.

CHRISTOPHER SMITH AND MICHAEL SMITH, AS TRUSTEES
OF THE JAY AND PATRICIA SMITH IRREVOCABLE TRUST,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

ANNA J. SMITH, AS TRUSTEE OF THE THEODORE P.
SMITH INCOME ONLY IRREVOCABLE TRUST, AND ANNA
JANE SMITH, AS EXECUTOR OF THE ESTATE OF
THEODORE P. SMITH, DECEASED, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

LAW OFFICES OF ANNA SMITH, HERKIMER (ANNA J. SMITH OF COUNSEL), FOR
DEFENDANT-APPELLANT.

BOND, SCHOENECK & KING PLLC, SYRACUSE (KEVIN G. COPE OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Herkimer County (John
H. Crandall, A.J.), entered June 21, 2021. The order modified a
temporary restraining order.

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

Same memorandum as in *Smith v Smith* ([appeal No. 2] – AD3d –
[June 30, 2023] [4th Dept 2023]).

Entered: June 30, 2023

Ann Dillon Flynn
Clerk of the Court