

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BURTON GULNICK, JR., Public Administrator,
as the Administrator of the Estate of Richard C. Danko,
a/k/a Richard Danko,

Plaintiff,

v.

1:16-CV-1028
(FJS/CFH)

INTERNAL REVENUE SERVICE,

Defendant.

ORDER

Whereas, on July 8, 2016, Petitioner Burton Gulnick, Jr., Public Administrator, as the Administrator of the Estate of Richard C. Danko a/k/a Richard Danko (the “Estate”), commenced the above-captioned matter by petition for judicial settlement of account (the “Petition”) in the Surrogate’s Court for Ulster County, New York; and

Whereas, the Petition sought, among other things, to deny certain claims that the United States Internal Revenue Service had filed against the Estate for unpaid income taxes (the “IRS Claim”); and

Whereas, on August 19, 2016, the United States of America through the United States Internal Revenue Service filed a Notice of Removal in this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1444; and


Whereas, by agreement in open court on November 14, 2016, the parties agreed to resolve and settle the IRS Claim in full and to discontinue the Petition with prejudice against the United States of America and the United States Internal Revenue Service; and

Whereas, the Estate has tendered the payment required under the parties' agreement and, as a result of the foregoing, the parties agree that this matter should be remanded to the Surrogate's Court for Ulster County, New York, the Court hereby

ORDERS that this matter shall be **REMANDED** to the Surrogate's Court for Ulster County, New York.

IT IS SO ORDERED.

Dated: November 17, 2016
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge