

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT

Weinke v. Asbestos Corp., Ltd.

Weinke, 2026 NY Slip Op 00694 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2026) · No. 112 CA 24-01456 · Decided February 11, 2026

SUMMARY

The Appellate Division, Fourth Department, unanimously affirmed an order denying defendant Hedman Resources Limited's motion to vacate a judgment obtained in one of several consolidated asbestos-related personal injury actions. The court relied on *Richards v. Hedman Resources Ltd.*, 204 AD3d 1407 (4th Dept. 2022), and affirmed without costs.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Bannister, J.P.; Montour, J.; Smith, J.; Nowak, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	February 11, 2026
DOCKET	112 CA 24-01456
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant Hedman Resources Limited appealed from an order of the Supreme Court, Erie County, that, among other things, denied its motion to vacate a judgment obtained in action No. 5.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Hedman Resources Limited v. Nancy M. Muir, as executor of the estate of Joseph L. Muir, deceased

TOPICS

- civil procedure
- appellate procedure
- personal injury
- standard of review

PRACTICE AREAS

- civil procedure
- personal injury
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court properly denied Hedman Resources Limited's motion to vacate the judgment obtained in action No. 5.

HOLDINGS

1. The order denying Hedman Resources Limited's motion to vacate the judgment was properly affirmed.

FACTUAL BACKGROUND

The appeal arose from a personal injury action involving Nancy M. Muir, as executor of the estate of Joseph L. Muir, and Hedman Resources Limited. Hedman moved to vacate a judgment obtained in action No. 5, but the Supreme Court, Erie County, denied that motion.

PROCEDURAL HISTORY

The Supreme Court, Erie County, entered an order on August 23, 2024, denying Hedman Resources Limited's motion to vacate a judgment in action No. 5. Hedman appealed, and the Appellate Division, Fourth Department, unanimously affirmed the order without costs.

DISPOSITION

affirmed

CASES CITED

- Richards v Hedman Resources Ltd., 204 AD3d 1407, 1407-1409 [4th Dept 2022]

OPINION

Weinke v. Asbestos Corp., Ltd. 2026 NY Slip Op 00694

PER CURIAM.

Weinke v Asbestos Corp., Ltd. (2026 NY Slip Op 00694) Weinke v Asbestos Corp., Ltd. 2026 NY Slip Op 00694 Decided on February 11, 2026 Appellate Division, Fourth Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on February 11, 2026

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Fourth Judicial Department PRESENT: BANNISTER, J.P., MONTOUR, SMITH, NOWAK, AND DELCONTE, JJ. 112 CA 24-01456 [*1]VICTORIA H. WEINKE AND RICHARD L. CARLSON, CO-EXECUTORS OF THE ESTATE OF THOMAS L. CARLSON, DECEASED, PLAINTIFFS, v ASBESTOS CORPORATION, LTD., A CORPORATION OF THE PROVINCE OF QUEBEC, ET AL., DEFENDANTS. (ACTION NO. 1.)

MERLE C. CHAPIN AND IRENE CHAPIN, HIS SPOUSE, PLAINTIFFS,

v ASBESTOS CORPORATION, LTD., A CORPORATION OF THE PROVINCE OF QUEBEC, ET AL., DEFENDANTS. (ACTION NO. 2.) ARLENE M. DIERMYER, ADMINISTRATOR OF THE ESTATE OF JAMES R. DIERMYER, SR., DECEASED AND INDIVIDUALLY AS THE SURVIVING SPOUSE OF JAMES R. DIERMYER, SR., PLAINTIFF, v ASBESTOS CORPORATION, LTD., A CORPORATION OF THE PROVINCE OF QUEBEC, ET AL., DEFENDANTS. (ACTION NO. 3.) NANCY A. MATIKOSH, EXECUTOR OF THE ESTATE OF SAMUEL MATIKOSH, JR., DECEASED, AND INDIVIDUALLY AS THE SURVIVING SPOUSE OF SAMUEL MAKITOSH, JR., PLAINTIFF, v ASBESTOS CORPORATION, LTD., A CORPORATION OF THE PROVINCE OF QUEBEC, ET AL., DEFENDANTS. (ACTION NO. 4.) NANCY M. MUIR, AS EXECUTOR OF THE ESTATE OF JOSEPH L. MUIR, DECEASED, PLAINTIFF-RESPONDENT,

v AIR & LIQUID SYSTEMS CORPORATION, AS SUCCESSOR BY MERGER TO BUFFALO PUMPS, INC., ET AL., DEFENDANTS. (ACTION NO. 5.) KENNETH C. ZUHR AND CAROL ANN ZUHR, HIS SPOUSE, PLAINTIFFS,

v ASBESTOS CORPORATION, LTD., A CORPORATION OF THE PROVINCE OF QUEBEC, ET AL., DEFENDANTS. (ACTION NO. 6.) HEDMAN RESOURCES LIMITED, DEFENDANT-APPELLANT. CLYDE & CO US LLP, NEW YORK CITY (PETER J. DINUNZIO OF COUNSEL), FOR DEFENDANT-APPELLANT. LIPSITZ, PONTERIO & COMERFORD, LLC, BUFFALO (DENNIS P. HARLOW OF COUNSEL), FOR PLAINTIFF-RESPONDENT. Appeal from an order of the Supreme Court, Erie County (Raymond W. Walter, J.), entered August 23, 2024, in a personal injury action. The order, inter alia, denied the motion of defendant Hedman Resources Limited to vacate a judgment obtained in action No. 5. It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs (see Richards v Hedman Resources Ltd. , 204 AD3d 1407, 1407-1409 [4th Dept 2022]). Entered: February 11, 2026 Ann Dillon Flynn Clerk of the Court