

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

**545**

**CA 09-02308**

PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND PINE, JJ.

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ALBERT G. FRACCOLA, JR., PLAINTIFF-APPELLANT,

V

ORDER

PHYLLIS FRACCOLA, DEFENDANT-RESPONDENT,  
ET AL., DEFENDANTS.

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ALBERT G. FRACCOLA, JR., PLAINTIFF-APPELLANT PRO SE.

FELT EVANS, LLP, CLINTON (JAY G. WILLIAMS, III, OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered February 5, 2009. The order, among other things, granted the motion of defendant Phyllis Fraccola for summary judgment.

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

Entered: April 30, 2010

Patricia L. Morgan  
Clerk of the Court