

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

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CA 22-00033

PRESENT: WHALEN, P.J., LINDLEY, OGDEN, AND NOWAK, JJ.

IN THE MATTER OF ANN MARIE RIOLO-NICOL, AS
TRUSTEE OF RIOLO IRREVOCABLE TRUST, ET AL.,
PETITIONERS,
MARIA LEMMERMAN, JAMES LEMMERMAN, PAULA CAPOCCIA
AND LEO CAPOCCIA, PETITIONERS-APPELLANTS,

V

ORDER

CITY OF ROME ZONING BOARD OF APPEALS, CITY OF
ROME PLANNING BOARD, ROME CITY SCHOOL DISTRICT,
ROME CITY SCHOOL DISTRICT BOARD OF EDUCATION,
CDS LIFE TRANSITIONS, PASSERO ASSOCIATES, P.C.,
ET AL., RESPONDENTS-RESPONDENTS.

MARIA LEMMERMAN, JAMES LEMMERMAN, PAULA CAPOCCIA AND LEO CAPOCCIA,
PETITIONERS-APPELLANTS PRO SE.

GERARD FEENEY, CORPORATION COUNSEL, ROME (ANGELA TWOMEY OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS CITY OF ROME ZONING BOARD OF APPEALS, JOHN
SORBELLO, IN HIS OFFICIAL CAPACITY AS CHAIRMAN, RAYMOND TUCKER, IN HIS
OFFICIAL CAPACITY AS MEMBER, JOSEPH PASQUELTTI, IN HIS OFFICIAL
CAPACITY AS MEMBER, JAMES DICASTRO, IN HIS OFFICIAL CAPACITY AS
MEMBER, AND MICHAEL BOTTINI, IN HIS OFFICIAL CAPACITY AS MEMBER.

FERRARA FIORENZA PC, EAST SYRACUSE (NICOLE MARLOW-JONES OF COUNSEL),
FOR RESPONDENTS-RESPONDENTS ROME CITY SCHOOL DISTRICT AND ROME CITY
SCHOOL DISTRICT BOARD OF EDUCATION.

Appeal from a judgment (denominated order and judgment) of the
Supreme Court, Oneida County (David A. Murad, J.), entered March 11,
2021, in a proceeding pursuant to CPLR article 78. The judgment,
among other things, denied and dismissed petitioners' first amended
petition.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs as moot (see *Saratoga County Chamber of Commerce v*
Pataki, 100 NY2d 801, 810-811 [2003], *cert denied* 540 US 1017 [2003]).

Entered: February 2, 2024

Ann Dillon Flynn
Clerk of the Court