

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

**353**

**CA 15-01151**

PRESENT: SMITH, J.P., DEJOSEPH, NEMOYER, TROUTMAN, AND SCUDDER, JJ.

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NICHOLAS L. VASSENELLI, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

CITY OF SYRACUSE, ET AL., DEFENDANTS,  
PMA MANAGEMENT CORP., AND CAROL WAHL,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 3.)

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BOSMAN LAW FIRM, LLC, CANASTOTA (A.J. BOSMAN OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

SMITH MAZURE DIRECTOR WILKINS YOUNG & YAGERMAN, P.C., NEW YORK CITY  
(DANIEL Y. SOHNEN OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered March 4, 2015. The order granted the motion of defendants PMA Management Corp. and Carol Wahl to dismiss the amended complaint against them.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by denying the motion in part and reinstating the third and fourth causes of action against defendants PMA Management Corp. and Carol Wahl, and as modified the order is affirmed without costs.

Same memorandum as in *Vassenelli v City of Syracuse* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Apr. 29, 2016]).

Entered: April 29, 2016

Frances E. Cafarell  
Clerk of the Court