

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

**1093**

**CA 17-00402**

PRESENT: WHALEN, P.J., SMITH, CARNI, DEJOSEPH, AND CURRAN, JJ.

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PATRICIA J. CURTO, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ERIE COUNTY, MARK C. POLONCARZ, ERIE COUNTY  
EXECUTIVE, AND MICHAEL A. SIRAGUSA, ERIE  
COUNTY ATTORNEY, DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 1.)

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PATRICIA J. CURTO, PLAINTIFF-APPELLANT PRO SE.

MICHAEL A. SIRAGUSA, COUNTY ATTORNEY, BUFFALO (THOMAS J. NAVARRO OF  
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order (denominated decision) of the Erie County  
Court (David W. Foley, A.J.), dated March 28, 2016. The order  
affirmed an amended judgment of Buffalo City Court.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Memorandum: Plaintiff commenced this small claims action in  
Buffalo City Court seeking damages in the amount of \$300. In an  
amended judgment, City Court awarded damages in that amount, together  
with disbursements of \$15. On appeal from the order affirming the  
amended judgment, plaintiff contends that County Court erred in  
failing to award her additional disbursements. We reject that  
contention.

"Appellate review of small claims is limited to determining  
whether 'substantial justice has not been done between the parties  
according to the rules and principles of substantive law' " (*Rowe v  
Silver & Gold Expressions*, 107 AD3d 1090, 1091, quoting UCCA 1807).  
"Thus, judgment rendered in a small claims action will be overturned  
only if it is 'so shocking as to not be substantial justice' "  
(*Coppola v Kandey Co.*, 236 AD2d 871, 872). The determination to award  
\$15 in disbursements meets the standard of substantial justice.  
Moreover, the only item of expense sought by plaintiff that qualified  
as an allowable disbursement under UCCA 1908 was the filing fee (see  
UCCA 1908 [a]), which was \$15 (see UCCA 1803 [a]) and not \$90, as  
plaintiff contends. We have examined plaintiff's remaining

contentions and conclude that they are without merit.

Entered: October 6, 2017

Mark W. Bennett  
Clerk of the Court