

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

**1047**

**CA 17-01778**

PRESENT: CENTRA, J.P., CARNI, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

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CAROLE COTTEN, DOING BUSINESS AS DYNAMICS  
UNLIMITED, PLAINTIFF-RESPONDENT,

V

ORDER

STANTON H. LESSER, AS SUCCESSOR TRUSTEE OF  
THE ROBERT K. LESSER LIVING TRUST DATED  
APRIL 21, 2005, PALMER-BRYANT REALTY, INC.,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.  
(ACTION NO. 1.)

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GRAF BUILDING, LLC, PLAINTIFF-RESPONDENT,

V

STANTON H. LESSER AND SUE ORTON, AS CO-PERSONAL  
REPRESENTATIVES OF THE ESTATE OF ROBERT K.  
LESSER, DECEASED, STANTON H. LESSER, AS SUCCESSOR  
TRUSTEE OF THE ROBERT K. LESSER LIVING TRUST  
DATED APRIL 21, 2005, ROBERT K. LESSER LIVING  
TRUST DATED APRIL 21, 2005, AND PALMER-BRYANT  
REALTY, INC., DEFENDANTS-APPELLANTS.  
(ACTION NO. 2.)

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MEDICOR ASSOCIATES, INC., PLAINTIFF-RESPONDENT,

V

STANTON H. LESSER AND SUE ORTON, AS CO-PERSONAL  
REPRESENTATIVES OF THE ESTATE OF ROBERT K.  
LESSER, DECEASED, STANTON H. LESSER, AS SUCCESSOR  
TRUSTEE OF THE ROBERT K. LESSER LIVING TRUST  
DATED APRIL 21, 2005, PALMER-BRYANT REALTY, INC.,  
JOHN J. BANKOSH, DAVID BRYANT,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.  
(ACTION NO. 3.)

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G.H. GRAF REALTY CORPORATION, GRAF BUILDING, LLC,  
AND COUNTY OF CHAUTAUQUA, PLAINTIFFS-RESPONDENTS,

V

STANTON H. LESSER AND SUE ORTON, AS CO-PERSONAL  
REPRESENTATIVES OF THE ESTATE OF ROBERT K.

LESSER, DECEASED, STANTON H. LESSER, AS SUCCESSOR  
TRUSTEE OF THE ROBERT K. LESSER LIVING TRUST  
DATED APRIL 21, 2005, PALMER-BRYANT REALTY, INC.,  
DAVID BRYANT, JOHN J. BANKOSH,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.  
(ACTION NO. 4.)

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CAROLE COTTEN, DOING BUSINESS AS DYNAMICS  
UNLIMITED, PLAINTIFF-RESPONDENT,

V

STANTON H. LESSER AND SUE ORTON, AS CO-PERSONAL  
REPRESENTATIVES OF THE ESTATE OF ROBERT K.  
LESSER, DECEASED, JOHN J. BANKOSH,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.  
(ACTION NO. 5.)

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GOLDBERG SEGALLA LLP, BUFFALO (TROY S. FLASCHER OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

BURGETT & ROBBINS, LLP, JAMESTOWN (LYDIA ALLEN CAYLOR OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT CAROLE COTTEN, DOING BUSINESS AS DYNAMICS  
UNLIMITED.

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP, BUFFALO (HOWARD E. BERGER OF  
COUNSEL, FOR PLAINTIFF-RESPONDENT GRAF BUILDING, LLC.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, BUFFALO (MARCO  
CERCONE OF COUNSEL), FOR PLAINTIFF-RESPONDENT MEDICOR ASSOCIATES, INC.

LAW OFFICES OF JOHN WALLACE, BUFFALO (JAMES J. NAVAGH OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS G.H. GRAF REALTY CORPORATION, GRAF BUILDING,  
LLC, AND COUNTY OF CHAUTAUQUA.

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Appeals from an order of the Supreme Court, Chautauqua County  
(Frank A. Sedita, III, J.), entered February 27, 2017. The order,  
among other things, denied that part of the motion of defendants-  
appellants seeking summary judgment dismissing the complaints against  
them.

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

Entered: September 28, 2018

Mark W. Bennett  
Clerk of the Court