

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

543.1

CA 17-01048

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

JOANNE FRASCA, PLAINTIFF-RESPONDENT-APPELLANT,

V

MEMORANDUM AND ORDER

LEGEND DEVELOPERS, LLC, DAVID L. VICKERS, IN HIS CAPACITY AS AN OFFICER AND/OR AGENT OF LEGEND DEVELOPERS, LLC AND/OR RAVEN ROCK HOMEOWNERS ASSOCIATION, INC., ROBERT M. CARRIER, INDIVIDUALLY AND IN HIS CAPACITY AS AN OFFICER AND/OR AGENT OF LEGEND DEVELOPERS, LLC AND/OR RAVEN ROCK HOMEOWNERS ASSOCIATIONS, INC., HOGAN ENGINEERING, P.C., TIMOTHY HOGAN, P.E., INDIVIDUALLY AND IN HIS CAPACITY AS AN AGENT OF LEGEND DEVELOPERS, LLC AND/OR RAVEN ROCK HOMEOWNERS ASSOCIATION, INC., RAVEN ROCK HOMEOWNERS ASSOCIATION, INC., ET AL., DEFENDANTS-RESPONDENTS, DAVID L. VICKERS & SONS, AND DAVID L. VICKERS, INDIVIDUALLY, DEFENDANTS-APPELLANTS-RESPONDENTS.

DONALD CARDIFF, DIANA CARDIFF, RANDY J. SCHAAL, TRUSTEE OF THE ESTATE IN BANKRUPTCY OF PATRICIA MORSE, DOUGLAS SINGLETON, JAN SINGLETON, RICHARD TRIFICANA, MARTHA TRIFICANA, ELLEN SUE SESTITO, GLORIA M. IZZO, PLAINTIFFS-RESPONDENTS-APPELLANTS, ET AL., PLAINTIFF,

V

ROBERT M. CARRIER, INDIVIDUALLY AND AS OFFICER/AGENT OF LEGEND DEVELOPERS, LLC, DAVID L. VICKERS, AS OFFICER/AGENT OF LEGEND DEVELOPERS, LLC, LEGEND DEVELOPERS, LLC, TIMOTHY HOGAN, P.E., INDIVIDUALLY AND AS OFFICER/AGENT OF HOGAN ENGINEERING, P.C., HOGAN ENGINEERING, P.C., JOINTLY AND SEVERALLY, DEFENDANTS-RESPONDENTS, AND DAVID L. VICKERS, INDIVIDUALLY, DEFENDANT-APPELLANT-RESPONDENT.

DONALD CARDIFF, DIANE CARDIFF, RANDY J. SCHAAL, TRUSTEE OF THE ESTATE IN BANKRUPTCY OF PATRICIA MORSE, DOUGLAS SINGLETON, JAN SINGLETON, RICHARD TRIFICANA, MARTHA TRIFICANA, GLORIA M. IZZO, ELLEN SUE SESTITO, PLAINTIFFS-RESPONDENTS-APPELLANTS, ET AL., PLAINTIFF,

V

RAVEN ROCK ESTATES HOMEOWNERS ASSOCIATION, INC.,
ROBERT M. CARRIER, INDIVIDUALLY AND IN HIS CAPACITY AS
AN OFFICER AND/OR AGENT OF RAVEN ROCK ESTATES
HOMEOWNERS ASSOCIATION, INC., ET AL.,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

SAUNDERS KAHLER, LLP, UTICA (MERRITT S. LOCKE OF COUNSEL), FOR
DEFENDANT-APPELLANT-RESPONDENT DAVID L. VICKERS & SONS.

BOSMAN LAW FIRM, LLC, ROME (A.J. BOSMAN OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS-APPELLANTS.

OSBORN, REED & BURKE, LLP, UTICA (KELLY J. PARE OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS DAVID L. VICKERS, IN HIS CAPACITY AS AN OFFICER
AND/OR AGENT OF RAVEN ROCK HOMEOWNERS ASSOCIATION, INC., AND ROBERT M.
CARRIER, IN HIS CAPACITY AS AN OFFICER AND/OR AGENT OF RAVEN ROCK
HOMEOWNERS ASSOCIATIONS, INC.

MILBER MAKRIS PLOUSADIS & SEIDEN, LLP, WOODBURY (RICHARD A. LILLING OF
COUNSEL), FOR DEFENDANT-RESPONDENT RAVEN ROCK HOMEOWNERS ASSOCIATION,
INC.

VERSACE LAW OFFICE, P.C., ROME (MEADE H. VERSACE OF COUNSEL), FOR
DEFENDANT-RESPONDENT HOGAN ENGINEERING, P.C.

Appeal and cross appeal from an order of the Supreme Court,
Oneida County (Patrick F. MacRae, J.), entered December 10, 2015. The
order, inter alia, granted in part the motions of defendants for
summary judgment.

It is hereby ORDERED that said appeal and cross appeal are
unanimously dismissed without costs.

Same memorandum as in *Sestito v David L. Vickers & Sons* ([appeal
No. 2] - AD3d - [Aug. 22, 2019] [4th Dept 2019]).

Entered: August 22, 2019

Mark W. Bennett
Clerk of the Court