

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

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CA 23-01445

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, AND GREENWOOD, JJ.

ALBERT G. FRACCOLA, JR., INDIVIDUALLY, AND ON
BEHALF OF 1ST CHOICE REALTY, INC.,
PLAINTIFF-APPELLANT,

V

ORDER

1ST CHOICE REALTY, INC., DEFENDANT,
GETNICK, LIVINGSTON, ATKINSON, GIGLIOTTI AND
PRIORE, LLP, AND THE ESTATE OF PHYLLIS
FRACCOLA, DECEASED, DEFENDANTS-RESPONDENTS.

ALBERT G. FRACCOLA, JR., PLAINTIFF-APPELLANT PRO SE.

GETNICK LIVINGSTON ATKINSON & PRIORE, LLP, UTICA (JEFFERY T.
LOTTERMOSER, JR., OF COUNSEL), FOR DEFENDANT-RESPONDENT GETNICK,
LIVINGSTON, ATKINSON, GIGLIOTTI AND PRIORE, LLP.

PETER M. HOBAICA, LLC, UTICA (PETER M. HOBAICA OF COUNSEL), FOR
DEFENDANT-RESPONDENT THE ESTATE OF PHYLLIS FRACCOLA, DECEASED.

Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Scott J. DelConte, J.), entered April 6, 2023. The order and judgment, among other things, granted the motion of defendant Getnick, Livingston, Atkinson, Gigliotti and Priore, LLP, and the cross-motion of defendant Estate of Phyllis Fraccola to dismiss the complaint against them and dismissed the complaint against them.

It is hereby ORDERED that the order and judgment so appealed from is unanimously affirmed with costs for reasons stated in the decision at Supreme Court.

Entered: February 2, 2024

Ann Dillon Flynn
Clerk of the Court