

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

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**CA 16-00596**

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, DEJOSEPH, AND SCUDDER, JJ.

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ALBERT G. FRACCOLA, JR., INDIVIDUALLY, AND AS  
50 PERCENT SHAREHOLDER, OFFICER AND DIRECTOR OF  
1ST CHOICE REALTY, INC., PLAINTIFF-APPELLANT,

V

ORDER

1ST CHOICE REALTY, INC., ET AL., DEFENDANTS,  
AND CHAD CARSTENSEN, AS EXECUTOR OF THE ESTATE OF  
PHYLLIS FRACCOLA, DECEASED, DEFENDANT-RESPONDENT.

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

FELT EVANS, LLP, CLINTON (JAY G. WILLIAMS, III, OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order and judgment (one paper) of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered July 20, 2015. The order and judgment determined that plaintiff had engaged in frivolous conduct and awarded defendant-respondent attorney's fees in the amount of \$1,200.

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

Entered: March 24, 2017

Frances E. Cafarell  
Clerk of the Court