

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

**445**

**CA 18-01081**

PRESENT: WHALEN, P.J., PERADOTTO, NEMOYER, AND CURRAN, JJ.

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NICHOLAS L. VASSENELLI, PLAINTIFF-APPELLANT,

V

ORDER

CITY OF SYRACUSE, ET AL., DEFENDANTS,  
POMCO GROUP, ALSO KNOWN AS POMCO, INC.,  
INDIVIDUALLY AND AS AGENT FOR CITY OF  
SYRACUSE AND SHARON MILLER, IN HER  
INDIVIDUAL CAPACITY AS A FORMER AGENT OF  
CITY OF SYRACUSE, DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 5.)

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BOSMAN LAW FIRM, LLC, ROME (A.J. BOSMAN OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

BARCLAY DAMON, LLP, SYRACUSE (ROBERT A. BARRER OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County  
(Gregory R. Gilbert, J.), entered February 20, 2018. The order  
granted the motion of defendants Pomco Group, also known as Pomco,  
Inc., and Sharon Miller for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs (see *Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988,  
988 [4th Dept 1988]; *Chase Manhattan Bank, N.A. v Roberts & Roberts*,  
63 AD2d 566, 567 [1st Dept 1978]; see also CPLR 5501 [a] [1]).

Entered: July 31, 2019

Mark W. Bennett  
Clerk of the Court