

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

**431**

**CA 09-02166**

PRESENT: SMITH, J.P., CENTRA, FAHEY, AND PINE, JJ.

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PLAYTIME BOUTIQUE, INC., PLAINTIFF-APPELLANT,

V

ORDER

PHYLLIS FRACCOLA, DEFENDANT-RESPONDENT.  
(ACTION NO. 1.)

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PLAYTIME BOUTIQUE, INC., PLAINTIFF-APPELLANT,

V

PHYLLIS FRACCOLA, INDIVIDUALLY AND AS SOLE  
SHAREHOLDER OF HYDRANIA, INC.,  
DEFENDANT-RESPONDENT.  
(ACTION NO. 2.)

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GUSTAVE J. DETRAGLIA, JR., UTICA, FOR PLAINTIFF-APPELLANT.

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

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Appeal from an order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered February 5, 2009. The order denied plaintiff's motion to vacate a stipulation.

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

Entered: March 19, 2010

Patricia L. Morgan  
Clerk of the Court