

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

**337**

**CA 10-01572**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ.

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JOHN T. SIWULA, PLAINTIFF-APPELLANT,

V

ORDER

TOWN OF HORNELLSVILLE AND RAYMOND KRING,  
INDIVIDUALLY AND AS SUPERINTENDENT OF  
HIGHWAYS OF TOWN OF HORNELLSVILLE,  
DEFENDANTS-RESPONDENTS.

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DANIEL T. STUTZMAN, RESPONDENT.

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JOHN T. SIWULA, PLAINTIFF-APPELLANT PRO SE.

SHULTS AND SHULTS, HORNELL (DAVID A. SHULTS OF COUNSEL), FOR  
RESPONDENT.

PATRICK F. MCALLISTER, TOWN ATTORNEY, WAYLAND, FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Steuben County Court (Peter C. Bradstreet, J.), entered November 25, 2009. The order granted the application of Daniel T. Stutzman, pursuant to Highway Law § 312, to confirm the jury's determination that a private road across his property was not necessary.

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

Entered: March 25, 2011

Patricia L. Morgan  
Clerk of the Court