

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

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**CA 25-00955**

PRESENT: WHALEN, P.J., CURRAN, MONTOUR, SMITH, AND GREENWOOD, JJ.

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PETER C. LOMTEVAS, PLAINTIFF-APPELLANT,

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ORDER

CITY OF SCHENECTADY, MAXINE L. BARASCH,  
AS CORPORATION COUNSEL, MARYANN ALLI,  
AS PERSONNEL AND BENEFITS ADMINISTRATOR,  
ANTHONY FERRARI, AS COMMISSIONER OF FINANCE  
AND ADMINISTRATION OF CITY OF SCHENECTADY AND GARY R.  
MCCARTHY, AS MAYOR OF CITY OF SCHENECTADY,  
DEFENDANTS-RESPONDENTS.

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PETER C. LOMTEVAS, PLAINTIFF-APPELLANT PRO SE.

GIRVIN & FERLAZZO, P.C., ALBANY (THOMAS H. FISHER OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Schenectady County  
(Paul E. Davenport, J.), entered October 17, 2024. The order granted  
the motion of defendants to dismiss the complaint and dismissed the  
complaint.

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

Entered: February 11, 2026

Ann Dillon Flynn  
Clerk of the Court