

INSIDE THIS ISSUE:

Col. Elmer Ellsworth Commemoration	5
McNamee, Lochner, Titus & Williams, P. C.	5
Carter Conboy Press Releases	6
Towne, Ryan & Part- ners, P.C.	7
The Law Office of Julie M. Frances	7
Breedlove & Noll, LLP	7
Couch White, LLP	8
Classifieds	8



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## Torts and Civil Practice:

### Selected Cases from the Appellate Division, 3rd Department



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#### PREMISES LIABILITY

##### Rackowski v. Realty USA (Malone, Jr., J., 3/24/11)

Plaintiff was injured by a hatch door while descending into the basement of a home for sale during an "open house". Supreme Court (Ferradino, J., Saratoga Co.) granted the defendant's motion for summary judgment which the Third Department affirmed, concluding the real estate company had no duty to warn the plaintiff of any alleged danger posed by the hatch door because there was insufficient evidence that the defendant occupied or con-

trolled the property. Further, the salesperson showing the house was an independent contractor whose work was neither directed nor controlled by defendant.

##### Craft v. Whittmarsh (Stein, J., 4/14/11)

The defendant Whittmarsh was a tenant of the defendant Harris, and both were sued in this dog bite injury case by the mother of the infant plaintiff. Supreme Court (Tait, J., Tioga Co.) denied the landlord's summary judgment motion, finding a triable issue of fact regarding

*Con't on page 2*

## MATRIMONIAL UPDATE



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"Getting divorced because you don't love a man is almost as silly as getting married just because you do." - Zsa Zsa Gabor

"I never hated a man enough to give him his diamonds back." - Zsa Zsa Gabor

You're kidding me, right? Our friends at OCA (Office of Confused Adults) are celebrating the loss of \$170 million from their \$2.7 Billion budget request by requiring a slew of silly useless forms that are driv-

ing up the cost of divorces and everything else. Why? Beats me. Here's my favorite. Some-time ago the Powers that Be thought it was a good idea to create a new form UCS 111 that one could fill out in a New York minute because it allowed for such things as NA (not applicable) and UK (I dunno). It asked for the percentage of distribution to each party, which to me is always unknown as I can never fathom the value of the

*Con't on page 4*

## SARATOGA COUNTY BAR ASSOCIATION

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## Torts and Civil Practice, *cont.*

Harris' notice of the dog's vicious propensities. The Third Department reversed and dismissed the case against the landlord, noting that a property owner's knowledge that a dog is present does not support an inference of knowledge that the dog may have vicious propensities absent proof (not shown in this record) that the landlord knew or was told that the dog had acted aggressively.

### **Mitchell v. Uniforms USA, Inc. (Stein, J., 3/24/11)**

Plaintiff was hurt in a fall on wet tile in the lobby of the building where she worked, and her suit named as defendants the subcontractors who were responsible to clean the building and maintain the floor mats. Defendants moved for summary judgment; arguing they owed no duty to the plaintiff and had neither actual nor constructive notice of the allegedly dangerous floor. Supreme Court (Platkin, J., Ulster Co.) granted the motions and the Third Department affirmed (assuming without deciding that either defendant even owed a duty to plaintiff). Plaintiff's fall happened during a heavy rainstorm but "a generalized awareness that water could be tracked in during a storm" did not make for constructive notice of the wet floor.

### **ATTORNEY'S DEFAMATION SUIT DISMISSED**

### **Van Donsel v. Schrader (Malone, Jr., J., 5/5/11)**

In the course of his work as the Cortland County Attorney, plaintiff negotiated a settlement of a breach of contract claim brought by a property owner whose deal to sell

land to the County fell apart. Defendant, the Cortland County Administrator, investigated the proposed settlement and felt it to be too generous. He recommended the County Legislature reject the proposed settlement and launch an investigation of the County Attorney's office "for a possible criminal conspiracy and unethical behavior" (suggesting the existence of possible non-disclosed facts and a potential conflict of interest). Plaintiff sued for defamation and intentional infliction of emotional distress and Supreme Court (Mulvey, J., Cortland Co.) held in abeyance defendant's summary judgment motion pending further discovery. The Third Department found that to be error; concluding that the administrator's comments were protected by an absolute "public function" privilege irrespective of defendant's motives.

### **SKIER'S CASE SURVIVES ASSUMPTION OF RISK DEFENSE**

### **Finn v. West Mountain (McCarthy, J., 4/28/11)**

The "usual risks inherent" in downhill skiing that a plaintiff assumes includes those risks associated with the use of a chairlift. But that risk assumption only extends to "usual" dangers and not those created by a dangerous condition for which a ski center might be held responsible. Such was the case, ruled the Third Department, when it affirmed Supreme Court's (Nolan, J., Saratoga Co.) denial of the defendant's summary judgment in this action, in which plaintiff claimed snowmaking guns positioned underneath the path of the chairlift she was on created a

layer of ice and snow on the bottom of her skis which she blamed as the cause of her fall and resulting injuries.

### **LATE NOTICE OF CLAIM VS. SCHOOL DISTRICTS**

### **Chirse v. City School District of Albany (Spain, J.P., 4/14/11)**

Plaintiff's first Notice of Claim (General Municipal Law § 50-e) was timely filed assuming the accuracy of the allegation that the date of the accident was April 12th. But the defendant argued that based on the infant plaintiff's gym class schedule, her leg and hip injury could not have occurred after March 30th, thereby making the Notice of Claim untimely. Defendant moved for summary judgment and plaintiff cross-moved for leave to file a late Notice of Claim, and Supreme Court (McNamara, J., Albany Co.) denied the former and granted the latter. The Third Department affirmed, noting a reasonable excuse for plaintiff's delay in timely filing (the confusion of the infant as to when she was hurt) and no substantial prejudice to defendant if the suit is allowed to go forward.

### **Mindy O. v. Binghamton City School District (Garry, J., 4/21/11)**

The parents of this infant plaintiff claimed that as a result of negligent supervision their 6th grade daughter was assaulted and forced or coerced into sexual activity by fellow students on school property on more than one occasion during the 2008-09 school year. Defendant rejected as untimely a Notice of

*Con't on page 3*

## Torts and Civil Practice, *cont.*

Claim served in July 2009, after which motion practice was resolved with an order from Supreme Court (Lebous, J., Broome Co.) permitting service of a late Notice of Claim. As in the Chirse decision above, the Third Department affirmed, concluding the defendant school district, thanks to a police investigation, was provided with "actual knowledge of at least some of the facts constituting the claim" some two months after the most recent alleged assault, and finding it reasonable that a timely claim was not filed (the plaintiffs lack of awareness that the child had been injured at all).

### PEDESTRIAN-CHILD "DART OUT" DISMISSAL REVERSED

#### Corina v. Messercola (McCarthy, J., 3/24/11)

The infant (age 12) plaintiff was hit by defendant's car while running across Curry Road in Rotterdam. A police investigator concluded "no evasive action would have prevented the collision", and Supreme Court (Kramer, J., Schenectady Co.) granted defendant's motion for summary judgment. Reversing and reinstating the claim, the Third Department found "factual questions exist as to whether [the driver] should have seen plaintiff's son earlier and could have reacted to avoid or lessen the impact". Among the facts to be considered by a jury are that the infant crossed the northern shoulder of the highway and the entire westbound lane apparently without being seen by defendant who told police he did not see the child until he struck the windshield of

his car.

### "EXTRAORDINARY INTERVENING ACT" DEFENSE SUCCEEDS

#### Ranaudo v. Key (Garry, J., 4/21/11)

Plaintiff was a passenger in the front seat of a car driven by his son, and claimed two tractor trailer drivers (also eastbound on I-88 in Otsego County) negligently contributed to cause an accident in which he was injured and which included a fourth vehicle being operated in the wrong direction (westbound). Supreme Court (Dowd, J., Otsego Co.) granted summary judgment to the defendants and the Third Department affirmed, characterizing the wrong-way driver's conduct as "an extraordinary intervening act" that relieved the tractor trailer defendants of liability for plaintiff's injuries.

### DEFENDANT'S PRO SE LETTER AVOIDS DEFAULT

#### Williams v. Charlew Const. Co. (Kavanagh, J., 3/24/11)

Plaintiff was a drywall hanger who fell and was hurt on a construction site. He sued the general contractor and a subcontractor, after which there was a settlement. The settling defendants, in the interim, sued another subcontractor (Raymonda) who was said to have directed and controlled the plaintiff's work. Raymonda did not serve a timely Answer, but did respond by letter asserting plaintiff did not work for him. Defendant's motion for a default judgment was denied by Supreme Court (Aulisi, J., Schenectady Co.) which per-

mitted Raymonda to serve an Amended Answer. The Third Department affirmed, finding that Raymonda's letter response to the third-party action (which bore the caption and file number of the claim and asserted a general denial of liability) "was sufficient to constitute both an appearance and a *pro se* answer."

### LABOR LAW

#### Smith v. Robert Marini Builder, Inc. (Rose, J., 4/7/11)

Plaintiffs, like this construction worker hurt in a trench collapse, who allege negligence premised on Labor Law § 241(6) must plead and prove a violation of certain parts of Industrial Code Rule 23. Here, Supreme Court (Devine, J., Albany Co.) found sufficient evidence of two such violations and granted plaintiff's cross-motion for partial summary judgment; but thereafter (upon reconsideration after

defendant's motion to renew) changed the result citing to issues of fact that needed resolution by a jury. The Third Department affirmed, and also rejected one of the Rule 23 violations as too general to serve as a basis for a § 241(6) claim.

#### Mueller v. PSEG Power New York, Inc. (McCarthy, J., 4/14/11)

Steel forms being stored at a construction site for later use (during a concrete pour) were accidentally snagged by a cable on a crane, lifted in the air and fell down against the plaintiff. His Labor Law claims (§§ 240(1) and 241(6)) were dismissed by Supreme Court (Devine, J., Albany Co.), and the Third Department affirmed. § 240(1) did not apply because the forms were not being hoisted or secured at the time they struck the plaintiff, and the Rule 23 violation alleged by plaintiff (in support of the § 241(6) cause of action) only applied to forms when used for actual concrete work.

## SCBA SUBMISSIONS NEEDED!

The Saratoga County Bar Association Newsletter is electronically distributed bi-monthly by the Saratoga County Bar Association.

We welcome the submission of articles or other items of interest to the bar and also encourage your comments on the SCBA, recent articles, columns or other letters.

The SCBA may reject or edit for style and length any article or letters submitted (Anonymous letters are not published). The views expressed in the letters and columns reflect the opinions of the authors and may not reflect the views of the Association, its Officers or Directors. Address all communications to:

Libby Coreno  
mcoreno@saratogalaw.com

## Matrimonial Update, *cont.*

little treasures left in the home. I am sure this went to some vault at 25 Beaver Street in NYC so some bean counters can compile statistics on the child support standards or the number of children in the average New York divorce or something. No big deal. Now because of the “authority vested in me”<sup>1</sup> the Chief Administrative Judge has gone hog wild by requiring a new UCS 111A for use only in Albany and seven other counties outside of the Third and Fourth districts. This form is unique in that (a) it is the only form not available online at the handy Unified Court System website, (b) it requires a No. 2 pencil or blue or black ink and (c) it has a bunch of little circles that need to be filled in like the Iowa Tests of Basic Skills that are given to grade school kids all over the country. I tip my hat to anyone who can fill this thing out in black or blue ink as I had to erase stuff at least five times. It asks for nice things such as whether “the formula” was used in determining final maintenance even though THERE IS NO FORMULA FOR FINAL MATINENANCE. Duh. They want to know the health of each party, but only O Good, O Fair or O Poor. Good luck on filling that one Doc, and be sure you fill in the “O” completely now. They want to know the value of any “other financial obligations” aside from maintenance, child support and debt. I am still trying to figure that one out. Finally they want to know the gross value of any professional license divided, but not the amount distributed. What possible use is there for that information?

Now this four page gem has to be mailed directly to OCA in New York City. It cannot be folded or stapled under penalty of death. It takes a good half an hour to an hour to complete unless you are a lot more dexterous than I am. Heaven help the *pro se* litigants who have to navigate this Byzantine tome. The form says it is for the Law Revision Commission’s study on maintenance guidelines which is curious since the preliminary report of the LRV was due May 13 and this form was only first required on April Fool’s Day. When I inquired of the minions at OCA if I could get this thing in Microsoft Word like all the other forms I was told, “Nope, get a number 2 pencil and see the Chief Clerk.” Who is that? St. Peter? No, you cannot get the UCS 111A on the OCA website, but you CAN get the hand written bail undertaking of Dominique Strauss-Kahn.<sup>11</sup> I know that’s a popular item for my clients.

As if that wasn’t bad enough we now have the nifty new Matrimonial Addendum to the Request for Judicial Intervention, known hereabouts as the RJI. Do you know what an RJI is? It is a little letter to the Supreme Court Clerk to assign a judge to a case for which we pay \$95. Again, no big deal. Well that wasn’t good enough, so now it has a Matrimonial Addendum otherwise known as form UCS-840M (3/2011). Where is Franz Kafka when you really need him? This thing requires all the prior names ever used by any litigant. In my case that would be freckle face, duck walker, copper head, four eyes, Ashkenazi snout and

about thirty other monikers I cannot write here. For no known reason, in order to get a judge assigned you now need to list all addresses for both litigants for the past three years and the litigants’ dates of birth.

Did you know we have a form that comes with its own warning? There is an eight page Stipulation/Order form for contested matrimonials that is thankfully ignored by most of our judges because it serves no purpose. Now it says on the Unified Court system website, “**Warning:** Prior to using this form, please contact your local Supreme Court Clerk’s Office to determine if they have additional requirements.” Gad-zooks. Makes me wonder that kind of horrors befall you if you try to use this thing unsupervised.

And in case you missed it, the courts are now closed for business as of 4:30 p.m. unless the trial judge gets special dispensation from some Übermensch who spends his or her time waiting by the phone late in the day to see what jurist has the temerity to waste the precious resources of the court system in pursuit of someone’s justiciable dispute.

Of course, one needs to look at the big picture here. For example the Chief Judge has made his sacrifices. No, not in firing the pedants who create and compile the worthless forms, and not eliminating the civil servants who slave away at the new “problem-solving” courts. He has announced that after three years, work is going to stop on the \$23 million sleeping quarters for the five out of town Court of Appeals judges for the 66 days

they are in Albany. Court of Appeals spokesman Gary Spencer channeled Arnold Schwarzenegger’s conscience when he said, “In the context of the times, it did not look like the best thing to be doing.” Too bad. Someone should tell that to Bunkoff General Contractors who must not have seen the memo.

In any event, we seem to have lost sight of the real purpose of the court system, which is to help people resolve their differences in a civil, timely manner. Everything that is happening now is contrary to that prime directive. As matrimonial lawyers, we are restricted to charging an hourly rate, and no one thinks of how all this red tape increases the cost of having people get on with their lives after the breakup of their marriages. Is it that important to compile statistics, or should we just eliminate everyone and everything that does not help people resolve their disputes? Let the judges have some autonomy to help us get people where they need to be without all this rigmarole. Isn’t that why we became lawyers and judges in the first place, or did I miss something along the way? I probably did.

<sup>1</sup>She says it is pursuant to Judiciary Law 212 which grants her 32 separate powers including the power to prepare forms and compile data.

<sup>2</sup>Don’t believe me? Try this: [http://www.courts.state.ny.us/whatsnew/pdf/dsk\\_bail.pdf](http://www.courts.state.ny.us/whatsnew/pdf/dsk_bail.pdf)



## COL. ELMER ELLSWORTH COMMEMORATION

On Sunday, May 15, 2011, the Hon. Thomas D. Nolan, Jr. and the Hon. L. Foster James, together with Libby Coreno, Esq., and Marne L. Onderdonk, Esq., participated in the 150th Anniversary commemorating the death of Col. Elmer Ellsworth held at the Hudson View Cemetery in Mechanicville, New York. A native of Malta, New York, Colonel Ellsworth was a young attorney, renowned militia drillmaster and friend of Abraham Lincoln who was killed while removing a Confederate flag flying over a hotel in Alexandria, Virginia. His death is said to have galvanized the Union army in carrying out its cause in the Civil War. Despite overcast skies and a steady downpour, over 200 people were in attendance for this historical event, including U.S.

Representative Christopher Gibson and State Senator Roy McDonald. On behalf of the Saratoga County Bar Association, Judge Nolan and Judge James placed a wreath at the Colonel Ellsworth's gravesite. The SCBA was honored to have been asked to participate in this significant event.



## RICHARD D. CIRINCIONE APPOINTED CHAIR OF TRUST, ESTATE AND ELDER LAW DEPARTMENT

**McNamee, Lochner, Titus & Williams, P.C.**

### ATTORNEYS AT LAW

Richard D. Cirincione, a shareholder with the law firm of McNamee, Lochner, Titus & Williams, P. C., has been appointed to succeed Timothy B. Thornton as Chair of the Firm's Trust, Estate and Elder Law Department.



Mr. Cirincione, a cum laude graduate of St. John's University School of Law, has been practicing in the Trusts and Estate's field since 1993. He has been a shareholder of the Firm since 2002 and is both an attorney and a certified public accountant. He is a frequent lecturer for the New York State Bar Association's Trusts and Estate's Section. He was a recipient of the Forty Under Forty award presented by the Capital District Business Review and has served as a member of the Board of Directors of several local not-for-profit organizations.

Mr. Thornton, who is a fellow of the American College of Trust and Estate Counsel and is a former Chair of the Trusts and Estates Law Section of the New York State Bar Association, will continue to practice in the Department with Mr. Cirincione and the Department's other attorneys, William S. Haase, Harry P. Meislahn, Amy S. O'Connor, Robert L. Dorfman and Mathew P. Barry.

The appointment, which was announced by Managing Principal, Vincent L. Valenza, takes effect on July 1, 2011.

Founded in 1863, the McNamee, Lochner, Titus & Williams, P.C. currently employs 33 attorneys and has offices at 677 Broadway in Albany and 646 Plank Road in Clifton Park. For additional information visit [www.mltw.com](http://www.mltw.com) or call 518-447-3200.



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## Carter Conboy Press Releases

### OPENS SARATOGA SPRINGS OFFICE



ALBANY, NY: Albany law firm, Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C., will acquire Saratoga Springs-based law firm Hamilton Watt, PLLC, effective June 1, 2011, and open a branch office in Saratoga Springs. Two of Hamilton Watt's attorneys, Lawrence R. Hamilton and Christopher J. Watt, will join Carter Conboy, of counsel, expanding the firm's existing general practice, real estate, litigation, and labor and employment practices. The acquisition will also add a new Equine Law practice to the firm. Mr. Hamilton represented Funny Cide and Sackatoga Stable, LLC, and all of the commercial ventures that resulted from Funny Cide's victories in the Kentucky Derby and the Preakness Stakes.

"We're excited about this addition to our firm and what it means for our clients," said Carter Conboy Chief Operating Officer, Michael J. Catalfimo. "Larry Hamilton and Chris Watt are both highly

respected attorneys in the Saratoga legal community and we couldn't be happier to have them join us."

Catalfimo explained that the Hamilton Watt acquisition is part of Carter Conboy's strategic plan to expand and diversify its practice areas. By the fall of 2011, with the addition of the attorneys and staff from Hamilton Watt, as well as new associates joining the firm September 1st, Carter Conboy will expand to well over 60 employees, a reflection of its continued growth in the midst of a challenging economic environment.

"The merger between Hamilton Watt and Carter Conboy brings exceptional resources to our clients" said Lawrence Hamilton. "This is a natural fit for our two firms," added Christopher Watt. "Carter Conboy is one of the region's largest and most respected law firms, and this affiliation affords the clients of Hamilton Watt access to a group of highly skilled attorneys offering services in a wide range of practice areas, all backed by the resources of a large law firm."

### CARTER CONBOY'S DAVIGNON PUBLISHED IN UPSTATE NEW YORK CHAPTER OF RIMS NEWSLETTER

ALBANY, NY: Luke Davignon, an associate attorney with Carter Conboy, was published in the April 2011 Newsletter of the Upstate Chapter of the Risk and Insurance Management Society, Inc. ("RIMS"). Mr. Davignon's article "Extending Employee Benefits to Same-

Sex (But Not Opposite-Sex) Domestic Partners" analyzed a recent court decision by the New York State Appellate Division, Second Department in Putnam, et al. v Westchester County Board of Cooperative Educational Services, the differences in Federal, State and County laws relating to discrimination based on sexual orientation, and the challenges facing companies who consider extending healthcare benefits to same-sex and opposite-sex domestic partners.

Mr. Davignon focuses his practice primarily in the field of civil litigation, including civil rights, employment practices, professional liability, and commercial litigation. Mr. Davignon represents clients in State and Federal Courts throughout upstate New York.

RIMS is a not-for-profit organization dedicated to advancing the practice of risk management. Founded in 1950, RIMS represents more than 3,500 industrial, service, nonprofit, charitable and governmental entities. The Society serves more than 10,000 risk management professionals globally.

### MURPHY AND LAFERIERE OBTAIN DISMISSAL OF TITLE VII AND ADA CLAIM

ALBANY, NY: Carter Conboy attorneys, Michael J. Murphy and Alaina K. Laferriere obtained a favorable dismissal on behalf of their clients, a local community service agency, and members of the agency's staff, in United States District Court for the

Northern District of New York.

The plaintiff alleged discrimination, wrongful termination, and unlawful retaliation under Title VII of the Civil Rights Action of 1964 ("Title VII") and the Americans with Disabilities Act ("ADA"), as well as discrimination based on her alleged whistleblower status. On January 25, 2011, Judge Gary L. Sharpe granted the defendants' Motion to Dismiss the plaintiff's claims, but granted the plaintiff limited leave to amend her Title VII and ADA claims against the defendant drug treatment facility.

Plaintiff filed an Amended Complaint on March 8, 2011 asserting claims pursuant to Title VII and the New York State Human Rights Law ("NYSHRL") against the defendant, alleging discrimination based on race and sex. The defendant moved to dismiss the plaintiff's Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. On May 6, 2011, Judge Mae A. D'Agostino granted the defendant's Motion, finding no prima facie case for discrimination under Title VII or the NYSHRL, and dismissed the plaintiff's Amended Complaint in its entirety.



## TOWNE, RYAN & PARTNERS, P.C. PRESS RELEASE



Susan F. Bartkowski, a partner at Towne, Ryan & Partners, P.C., in addition to her volunteer work with the National Multiple Sclerosis Society and the Loisaba Community Conservation Foundation, has recently become a Soroptimist. A global organization of professional and business women, Soroptimist International focuses its efforts on working to provide programs and services for local projects in local communities and has a collective impact around the world. Project areas include, but are not limited to: renovating domestic violence shelters, cancer awareness, literacy, and educational/training opportunities for career advancement through HS Hope and Power program. Susan has an office in Saratoga Springs at 137 Maple Avenue, Saratoga Springs, NY 12866, and some of her areas of practice are Auto Dealer/Franchise, Employment and Labor, Family and Matrimonial, Litigation, Environmental and Real Estate Law. She received her B.A. from Wells College in 1987 and her J.D. from Albany Law School in 1990.

Towne, Ryan & Partners, P.C. has a strong foundation of experience and knowledge in many areas of legal practice, including matters involving litigation. Other ar-

reas of practice include Personal Injury, Administrative, Corporate, Commercial, Municipal, Estate Planning/Litigation, Construction, Insurance Defense, and Equine Law. There are five office locations in New York: Albany, Saratoga Springs, Burnt Hills, Cobleskill and Poughkeepsie. There is also an office in Bennington, Vermont.

### BREEDLOVE & NOLL, LLP OPENS IN CLIFTON PARK

Brian H. Breedlove and Carrie McLoughlin Noll have formed Breedlove & Noll, LLP with their new offices located at 10 Maxwell Drive in Clifton Park, New York. Brian and Carrie each carry the (AV) rating by Martindale-Hubbell and are members in the Multi-million Dollar Verdict Forum which consists of the top 5% of the lawyers in the State. Carrie was the first woman in the region to attain membership in that forum. Brian was named a Super Lawyer in 2010 and was recently inducted as a Fellow in Litigation Counsel of America an invitation only Trial Lawyers Honorary society limited to 1/2 of 1% of the lawyers nationwide.

Breedlove & Noll, LLP maintain a Trial practice with an emphasis on Catastrophic Injury cases as well as Business, Commercial, Real Estate, Unfair Competition, Civil rights, Insurance and Employment litigation. They have been called upon to serve on professional practice committees including the Board of Directors of the Capital District Trial Lawyers Association, New York State Bar's Trial Lawyers Section, the Saratoga County Bar Association Executive Board, and The Federal Practice Committee for the Northern District of New York.

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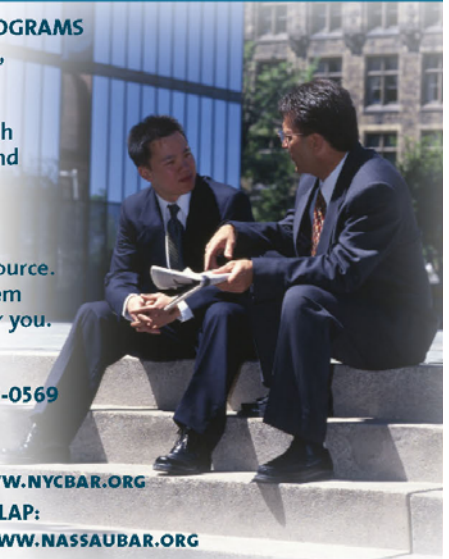
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### JULIE M. FRANCES OPENS PRACTICE IN SARATOGA SPRINGS

Julie M. Frances has opened her own practice, The Law Office of Julie M. Frances.

Julie began her career focusing on insurance defense litigation with Fitzgerald Morris Baker Firth, PC and then moved to the Law Office of David A. Harper in 2007.

Julie's practice focuses on litigation, including personal injury and matrimonial law. Her law office also handles real estate transactions, trusts and estates and criminal law.

Julie shares an "of counsel" relationship with David A. Harper and they continue to share office space on Broadway in Saratoga Springs.

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## COUCH WHITE, LLP NAMES JOSEPH C. SCALA OF COUNSEL



(ALBANY, N.Y.) - Couch White, LLP is pleased to announce that effective June 1, 2011, Joseph C. Scala joins the firm as Of Counsel. The addition of Scala, who joins the firm while serving for more than three years as the City Attorney for the City of Saratoga Springs, expands the Firm's existing corporate, municipal, real estate, litigation, and labor and employment practices.

"Mr. Scala is a highly-experienced public and private attorney and business development executive," said Robert M. Loughney, Managing Partner at Couch White, LLP. "His experience with land use law, coupled with strong corporate and transactional legal skills, will bring great value to the services we provide our clients. We are very excited to have him on board."

Scala served as chief attorney for the World Trade Center Captive Insurance program, where he coordinated with Federal, State and NYC governments, WTC contractors and their counsel to establish a private insurance company using \$1 billion in federal funds to insure claims related to the WTC cleanup. More recently, he coordinated with New York State

Parks, the Department of Labor and the Attorney General's office to allow construction of a recreation facility in the City. On behalf of his private clients, Joe recently obtained a WBE certification for a Long Island construction business and negotiated a complex commercial lease in New York City. His experience in working to resolve high-profile issues, along with his expertise in general business matters, will make him a valuable addition to the Firm's corporate practice.

"Couch White has an excellent reputation throughout the Northeast," said Joe. "They are smart lawyers who are uniquely dedicated to superior client service. This relationship will be a great fit for the firm, for me and for our clients."

Couch White will retain the use of Mr. Scala's downtown Saratoga Springs office, located at 18 Division Street, Suite 301. Couch White is headquartered in Albany, NY, with offices in New York City, Washington, D.C. and Farmington, Connecticut. This move expands the Firm's presence in the Saratoga region. Currently, three partners: Melanie J. Lafond, Leonard H. Singer and James S. King were raised, or currently reside, in the area.

A graduate of Western New England College School of Law (J.D., 1984) and LeMoyne College (B.A., English, 1981), Scala is admitted to the New York Bar and Connecticut Bar; and the United States District Court, New York and Connecticut.

About Couch White, LLP: Couch White, LLP is a nationally-recognized, full-service business law firm based in Albany, NY with primary practice areas in energy, construction, commercial and business, environmental, and labor and employment law. With additional offices in Saratoga Springs, NY, New York City, Washington D.C., and Farmington, CT, Couch White provides high-quality, cost-effective legal representation that leads to creative, ethical and desirable solutions for its broad base of clients.

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**COMMERCIAL LITIGATION ASSOCIATE WANTED:** Well-known Capital Region business law firm seeks Commercial Litigation Associate for Albany office. Commercial loan and bankruptcy experience a plus. Salary and benefits competitive and commensurate

with experience. Please send your resume to Lemery Greisler LLC, 50 Beaver Street, Albany New York 12207.

**FREELANCE LEGAL ASSISTANT & SECRETARIAL SERVICES:** Jane R. French is pleased to offer freelance legal assistant services to local attorneys. Services include, but are not limited to, litigation and real estate support, trial preparation, document preparation, transcription and billing assistance. For further information contact Jane R. French at [legalassistbiz@gmail.com](mailto:legalassistbiz@gmail.com) or 518.222.8168 or visit [www.legalassistbiz.com](http://www.legalassistbiz.com)



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