

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

JAMES R. CAPUTO,

Plaintiff,

NOTICE OF MOTION

-v-

Index No.: E2024000703

NATHAN HOLT, OWEN BILLET, PREMIUM MORTGAGE
CORP., ROBERT T. HOULE as President of Houle Sales
Consulting, Inc., HOULE SALES CONSULTING, INC., DONALD
J. CHENEY ESQ., CHENEY LAW FIRM, PLLC, ABAR ABSTRACT
CORP., and MONROE COUNTY CLERK'S OFFICE,

Defendants.

PLEASE TAKE NOTICE of the following motion:

MOTION BY: Defendants Donald J. Cheney, Esq. and Cheney Law Firm,
PLLC

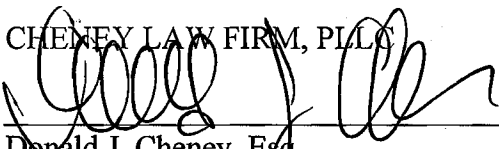
DATE, TIME AND PLACE OF HEARING: _____, 2024, _____ a.m./p.m.
Hall of Justice, 99 Exchange Blvd.
Rochester, New York 14614
Honorable Elena F Cariola Presiding

SUPPORTING PAPERS: Affidavit of Donald J. Cheney, Esq., dated January 31, 2024,
together with all exhibits annexed thereto;

RELIEF SOUGHT: An Order dismissing the complaint against Defendants
Donald J. Cheney, Esq. and Cheney Law Firm, PLLC plus
sanctions and costs and attorneys fees against the Plaintiff for
frivolous conduct and such other and further relief as to the
Court seems appropriate.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR §2214(b), if these
motion papers are served upon the attorneys for the Defendant at least sixteen (16) days prior to the
return date set forth above, answering Affidavits, if any, must be served upon the undersigned
attorneys at least seven (7) days before the return date hereof.

Dated: January 31, 2024
Canandaigua, New York

By: 
CHENEY LAW FIRM, PLLC
Donald J. Cheney, Esq.
Cheney Law Firm, PLLC
Attorneys for Defendant Donald J. Cheney and Cheney
Law Firm, PLLC
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TO: James R. Caputo, Plaintiff