

In The
Supreme Court of The United States

Thomas Lamont Dyno and
Julia Dyno

Petitioners – pro se

v.

Albert Dyno, Jr.

Respondent

Case # _____

Extension of Time

U.S. 3rd Circuit # 25-1338

*To the Honorable Samuel Alito – Associate Justice of the U.S. Supreme Court and
Circuit Justice for the U.S. Third Circuit.*

1. Pursuant to **28 U.S.C. § 2101(c)** and Supreme Court Rules **13.5, 22, and 30.3**, Petitioners, Thomas Lamont Dyno and Julia Dyno, respectfully request a Sixty (60) day extension of time, to and including September 8, 2026, to file our Petition for a Writ of Certiorari in this case pursuant to **28 USC 1254 (1)** The judgment of the United States Court of Appeals for the Third Circuit was entered on February 26, 2026 . A timely petition for rehearing en banc was denied on April 9, 2026. A timely application for Stay of Mandate was filed on April 13, 2026.

(a) Unless extended our petition is due July 8, 2026 this application is submitted more than 10 days before that time and Good Cause for granting the extension :

(i) A July 16, 2026, trial date has been tentatively imposed on us in NYS, regarding my joint complaint against attempted trespassory disseisin *without judgment* wherein the assigned judge has thus far refused to issue a written order pursuant to NY CPLR 2219 (a) Dyno *et al v* Shaheen **EFCA2025000844**. Broome Co. Sup. Ct.

(ii) On July 27, 2026, our NYS 3rd Dept. Appeal is due in a related case 1st extension of time Dyno *et al v* Village of Johnson City, NY **EFCA 2024003386**. Albany NY.

2. These aforesaid trammels made our cases and appeals in the Pa. courts, the Federal District court and our Appeal at the U.S. Third Circuit almost impossible. Will we awaken to a cast of burly men fencing us out of our yard under armed Village Police protection. Lose you legacies in Pa. or your land in NYS may seem coordinated, we believe they are.

3. Michael Briechle Atty of Record, represents Albert Dyno Jr. surviving co-executor of the simple will of Rosemarie Sterchak, my late Father's sister.

(a) Decedent died *debitum gratis*. Albert's Assent to our Specific Legacies rendered dispositions in Her Will, operative ⁱ. Our Specific Legacies are irrevocably Vested to us and we are entitled to immediate possession. There is no process against us, no petition for compensation. Albert paid the Inheritance Tax, we applied to the Susquehanna Co. Pa. CP, Orphan's Court Div., for the immediate transfer and release of our Specific Legacies

(i) Honorable Jason J. Legg PJ issued a Decree Quod Computet with TRO. Michael Briechle appeared, for the 1st time as Albert's Attorney on the date of the hearing with an incomplete answer. The following statement encompasses our situation.

"No doubt the personal estate of a decedent vests in the administrator, but in trust for creditors and heirs or legatees. The mere legal estate passes to the administrator, the equitable descends upon the parties entitled to distribution. If there be no creditors the heirs have a complete equity in the property If there were no debts at the time the letters were granted, and no question of distribution requiring the intervention of an administrator, the expense of administering, the result of unnecessary interference, would not be a debt which would justify the proceedings.

Walworth v Abel 52 Pa. 370, 372, 373 (1866).

4. The "unnecessary interference" is Briechle appearing for the 1st time as Albert's Atty ⁱⁱ and Legg J. ignoring our application for the transfer and release of our irrevocably vested property, and for the next five years Legg J., dishonestly assisted in **the concealment of documentary evidence** of *i.a.*, fraudulent embezzlement, 2nd degree felony theft & related crimes. At the conclusion of our Legatee Action for the transfer and release of our Specific Legacies : Legg J., appropriated 20% of our Specific Legacy stock shares *without our consent* for the private use of Albert purportedly to pay Briechle with Legg's intent to decide how much of our irrevocably vested property he intends to devise as if it were his own to Briechle; but Legg J. did maintain the preliminary injunction against the sale of our shares.

5. The pages following orders &c cited above is a true, correct abridged statement of what happened, are supported of record. Please review and then come back.

6. We are elderly people, Julia Dyno is 104 years old, I am her only surviving son see **18 Pa. C.S. § 3922.1** we need to find an affordable service willing to render our completed case in the form you demand &c., while our NY case regarding trespassing *in continuando* is dragged out by an out of town judge, due to the local court recusal, all while we attempt to "perfect" our 3rd Dept. Albany NY., Appeal.

7. The Deep Issue is whether this Court is going to allow district courts and circuit courts to use **FRCP 60** to bar prospective relief to prevent state judges from taking *nemo dat quod non habet* irrevocably vested property *without the owners consent* for the private use of others , under color of estate administration.

(a) Or whether the rule shall be followed that this might be done to pay decedent's antecedent debt judgments *only when* Legatees can't make a contribution in cash **20 Pa. C.S. § 3542** see *Clarke v Ormonde* (1821) Jacob 108. Eldon , LC.

(b) The 1st question ought to be whether a **28 USC § 1331** federal question involves a fundamental right protected under **§1** of the **14th** Amdt of the U.S. Constitution and if jurisdiction was "mechanically" declined ⁱⁱⁱ under color of the Princess Lida Doctrine, with no discovery and no hearing closed the case.

(c) The 3rd question *quare clausum querentis fregit* why did you break in ?

According to Legg J., to take up to 20% of our irrevocably vested property *without our consent* and give it to Albert to sell to pay Briechle. Since Briechle Retained 80% of the Residuary Estate i.e., decedent's **\$125,111.73** bank fund and Albert the other 20%; made possible by Albert's *nemo dat quod non habet* taking and sale of other's Specific Legacy shares thereby collecting a sum far greater than the Inheritance Tax then it's more likely Albert intends to take and keep what shares of ours, Legg J. allows him to steal , and just keep them. **NB** Misprision of Felony **18 USC §4**.

Legg J. in Abuse of Process used **Pa RAP 1925** statements to induce the 'belief' in Pa. and federal courts that Albert, holding our entire Specific Legacies for ransom i.e., to extort consent from us, to Briechle's Fraud is an "estate administration" going on for 5 years *after* the Inheritance Tax was paid *and* others plundered Specific Legacies, were distributed.

When it became clear to Legg J., that we aren't criminals, his last ditch attempt at extortion was his "20% solution" *viz.*, If we take 80% it's *consent* that Albert has some sort of right to our property, which he clearly does not have.

And that we have injured everyone for demanding our property.

For the Nonce, no federal or state court, has ever allowed us to litigate Legg's taking *per se* and barring us now, under color of **FRCP 60** violates **28 USC § 2072 (b)** and **FRCP 60** is unconstitutional, *as applied*.

Here's their coordinated time line. October 20, 2020 district court denied our 42 USC § 1983 joint action complaint against Albert, with prejudice, any amendment is purportedly futile. We filed our Legatee Action at Legg's court, Legg schedules a

hearing to conflict with us doing our Brief we ask for an extension and serve interrogatories which he refuses to allow unless we use the forms provided by the clerk – they’re identical to ours. This wasted (x) five months. Post judgment motions waiting for subpoena returns we had to do an **FRCP 62.1** motion if Mannion J. would allow us to add Legg J. as a Party and the **Cetera** documentary evidence.

NB. Said motion was filed *before* Legg’s August 6, 2021 hearing so the documentary evidence of record was concealed from the Circuit Court. Legg J., ignored the evidence because it establishes his culpability and without prior notice, did the 20% appropriation *at the end of the hearing*; ignored our due process objection and his order was entered August 9, 2021. The 3rd Circuit issued its order the next day.

NB. Mannion J., denied our **FRCP 62.1** motion on the 3rd Circuit’s August 10, 2021 judgment modified without prejudice, each pays their own costs. But waited until March 16, 2022, one day *after* our Pa., Appellate Brief was docketed,

NB. Consequently, Legg’s 20% appropriation *as a taking per se* was never allowed to be litigated. Pa Super court’s admonition “Mr. Dyno we are not a trial court”. The 20% appropriation is the Overt Act of their conspiracy. Documentary Evidence was effectually barred and our case was closed on circumstances prior to the Overt Act. And our motion to open was based on decisions prior to the appropriation.

On November 7, 2022 , Mannion J., denied vacation on 3rd Circuit affirmation.

On September 1, 2023 , attempted trespassory disseisin in NYS occurred

On November 5, 2024 , our proposed amendment and motion to open was filed.

On November 27, 2024, our complaint against the Village on official misconduct was filed : Police acting under color of law deprived us of our benefit of vested title to real property without due process of law the attempted disseisin and told the trespasser that he owns part of our yard which led to further trespassing.

Transferring and releasing our Specific Legacies to us is the proper way to proceed **20 Pa. C.S. § 3542** our Right to take in Specie ^{iv}

So please allow us to brief this but 1st we need an extension of time to prepare our petition for Writ of Certiorari to the U.S. Third Circuit Court of Appeals.

Wherefore in tender consideration please allow us to have this extension of time to September 8, 2026, to prepare our Petition for a Writ of Certiorari to the 3rd Circuit Court of Appeals, to format and reproduce our work, and to serve and file the correct number of copies with proof of service by September 8, 2026.

And that petitioners may have such further or other relief as the nature of our case may require

We the undersigned verify under penalty of perjury that the foregoing is true and correct.

Executed on June 10, 2026


Thomas Lamont Dyno – pro se

Executed on June 10, 2026


Julia Dyno – Pro se

Thomas Lamont Dyno & Julia Dyno
46 Academy Street
Johnson City, New York 13790-1519
Ph.: 607-319-2831
blazintommyd@gmail.com

i

“[N]either executor nor administrator have any legal interest in the personal estate, but are vested only with a legal power over it, just as every trustee has a legal power over his trust-estate ... it is plain they cannot devise it.”

Duke of Rutland v Duchess of Rutland (1723) 2 P. Wms. 210, 211-213; 24 ER 703, 704 , Macclesfield. LC.

“The shares were left to the Respondent as a specific legacy, and from the date of death and before assent they were his property ...”

IRC v. Hawley [1928] 1 KB 578, 58

“If it should afterwards appear that there is a deficiency of assets to pay creditors, the Court of Chancery will interfere and make the legatee refund in the proportion required. It makes no difference whether the bequest be of a personal or real chattel : but [124] according to the doctrine laid down in the cases cited of *Paramour v. Yardley*, and *Young v. Holmes*, and the passage from 4 Rep. 28, the assent of the executor once given to a specific legacy, vests the interest at law irrevocably ; and this is not broken in upon by any subsequent case”.

Doe v Guy (1802) 3 East 120 ff., 123; 102 ER 543 ff., 544 Ellenborough, Ch. J.

“The transfer is made not by the mere force of the assent of the executor, but by virtue of the dispositions of the will which have become operative because of this assent.”

Attenborough v. Solomon [1913] AC 76, 82-83, 85 [HL], Haldane [LC].

ii

Having appeared in court for the 1st time as Albert's Attorney was Briechele's "transient victory at the threshold of an action"? *Lackey v Stinnie* 604 US 192, 203, 145 S. Ct. 650, 669, 221 L Ed 2d 63, (2025).

iii

"On the arrival of the justices *ad omnia placita* it is their duty, by virtue of the jurisdiction delegated to them, to hear the complaints and claims of all, that justice may be done to each and each receive his due".

II Bracton 317. Bracton, Henry de. *On the Laws and Customs of England*. Translated with revisions and notes by Samuel E. Thorne. 4 vols. Cambridge, Mass.: Belknap Press of Harvard University Press in association with the Selden Society, 1968–1977.

"We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution."

Cohens v. Virginia, 19 U.S. 264, 404 (1821).

iv

"[While detinue] is a continuing cause of action which accrues at the date of the wrongful refusal to deliver up the goods and continues until delivery up of the goods or judgment, [it gave the] defendant an option whether to return the chattel or to pay its value and if the plaintiff wished to insist on specific restitution of the chattel he had to have recourse to Chancery. (See *In re Scarth*, [1874] 10 Ch. App. 234, 235...) [id.] which 'drove into equity all who wanted to recover the actual goods'".

General & Finance Facilities Ltd. v. Cooks Cars [1963] 1 WLR 644, 648, Diplock.

"The request of legatees to take in kind must be honored if a conversion of the property into cash is not reasonably necessary to pay debts or to make distribution."

Minichello Estate, 368 Pa. 639 (Pa. 1951).

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Minichello Estate, 368 Pa. 639 (Pa. 1951).

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1338

THOMAS LAMONT DYNO, JULIA DYNO,
Appellants

v.

ALBERT DYNO, JR., in his official and personal capacity as Executor of the Estate of
Rosemarie Sterchak, deceased

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 3:19-cv-01966)
District Judge: Honorable Joseph F. Saporito

Submitted Pursuant to Third Circuit LAR 34.1(a)
November 21, 2025
Before: HARDIMAN, FREEMAN, and ROTH, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on November 21, 2025. On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered February 7, 2025, be and the same is hereby affirmed. All of the above in accordance with the opinion of this Court.

852 (1912); *see also* *Estate of Meriano*, 142 F.3d at 661 (same); *Mauser v. Mauser*, 326 Pa. 257, 192 A. 137, 138 (1937) (“[P]roperty admittedly belonging to the estate ... which, it is charged, was wrongfully converted ... after [the testator's] death ... is within the jurisdiction of the orphans' court, regardless of who may now hold it.”); *cf. In re Hinds' Estate*, 183 Pa. 260, 38 A. 599 (1897) (affirming an order of the Orphans' Court requiring a pledgee of a ward's property to return the property to the ward, when the guardian pledged the property for a loan to invest in a security in which he had a personal interest, without receiving Orphans' Court approval). We therefore conclude that the SR Utility shares remain under the jurisdiction of the Orphans' Court.

Three Keys Ltd v SR Util. Holding Co. 540 F 3d 220, 228 [3rd Cir. 2008]

Costs taxed against the appellants.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: February 26, 2026

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

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February 26, 2026

Michael Briechle
4 Chestnut Street
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Julia Dyno
46 Academy Street
Johnson City, NY 13790

Thomas Lamont Dyno
46 Academy Street
Johnson City, NY 13790

RE: Thomas Dyno, et al v. Albert Dyno, Jr.
Case Number: 25-1338
District Court Case Number: 3:19-cv-01966

ENTRY OF JUDGMENT

Today, **February 26, 2026**, the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App.

P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service, unless the petition is filed and served through the Court's electronic-filing system.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. A party seeking both forms of rehearing must file the petitions as a single document. Fed. R. App. P. 40(a).

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Patricia S. Dodszuweit, Clerk

By: s/ James King

Case Manager

267-299-4958

NOT PRECEDENTIAL

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FOR THE THIRD CIRCUIT

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November 21, 2025
Before: HARDIMAN, FREEMAN, and ROTH, Circuit Judges

(Opinion filed: February 26, 2026)

OPINION*

PER CURIAM

Pro se appellants Thomas and Julia Dyno appeal from the District Court's order denying their motions to reopen their case pursuant to Federal Rule of Civil Procedure

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

60(d) and for leave to amend their complaint post-judgment, and its subsequent order denying reconsideration thereof. We will affirm the District Court's orders.

I.

As all parties are familiar with the facts, we discuss only the details relevant to our analysis. This case derives from a dispute over the estate of Rosemarie Sterchak. Before she died in 2015, she named the defendant, Albert Dyno, Jr., as executor of her estate, and left bequests of corporate stocks and cash to several individuals, including Appellants. At the time that Appellants filed their original complaint in the District Court in 2019, Pennsylvania state court proceedings were ongoing. The District Court determined that it lacked subject matter jurisdiction over the case, and we affirmed. See Dyno v. Dyno, No 20-3302, 2021 WL 3508252, at *2-3 (3d Cir. Aug. 10, 2021) (per curiam).

On August 9, 2021, the Pennsylvania Orphans' Court Judge presiding over the estate matter entered an order directing the defendant to release eighty percent of the stock bequeathed to the Appellants, while retaining twenty percent for the payment of outstanding tax obligations. After unsuccessful appeals of this order in the Pennsylvania Courts, Appellants filed motions to reopen the case filed in the District Court pursuant to Rule 60(d) for fraud and requested leave to amend their complaint to include as additional defendants the defendant's attorney and the Orphans' Court Judge. In their motions, appellants challenged the legitimacy of the Orphans Court order and asked the District Court to vacate it on the ground that it constituted an illegal withholding of

property. The District Court, adopting the Magistrate Judge's report and recommendation, denied the motions to reopen the case and amend the complaint as untimely and meritless. Appellants moved for reconsideration, which the District Court denied. Appellants timely appealed.

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review of any legal questions, and we review the District Court's decision to deny the motions for abuse of discretion. See Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 673 (3d Cir. 1999); Menkes v. Prudential Ins. Co. of Am., 762 F.3d 285, 290 (3d Cir. 2014); Jackson v. Danberg, 656 F.3d 157, 162 (3d Cir. 2011).

After a review of the record, we conclude the District Court did not abuse its discretion when it denied Appellants' Rule 60(d) motions for relief. A District Court may vacate a judgment on a finding of fraud that is "supported by clear, unequivocal and convincing evidence" of "(1) an intentional fraud; (2) by an officer of the court; (3) which is directed at the court itself; and (4) in fact deceives the court." Herring v. United States, 424 F.3d 384, 386-87 (3d Cir. 2005) (citation omitted); see also In re Bressman, 874 F.3d 142, 150 (3d Cir. 2017). As the Magistrate Judge's recommendation explained, a Rule 60 motion cannot be used to remedy alleged fraud on the state court,¹ and Appellants did not provide any evidence of fraud directed at the District Court. See United States v. Washington, 549 F.3d 905, 912 (3d Cir. 2008) (explaining that "a federal

¹ Although the Magistrate Judge reviewed the motions to reopen as if they were Rule 60(b)(3) motions, the same holds true for a motion to reopen pursuant to Rule 60(d)(3).

court has the inherent power to vacate its own judgments when they have been procured by fraud”).

Because Appellants’ motion to reopen the case pursuant to Rule 60(d) failed, the District Court did not err in denying Appellants’ motion for leave to file a post-judgment amended complaint. See Ahmed v. Dragovich, 297 F.3d 201, 207-08 (3d Cir. 2002) (explaining that once a judgment is entered, an amended complaint may be filed under Federal Rule of Civil Procedure 15 only if the judgment has been set aside or vacated pursuant to Rule 59 or Rule 60). Nor did the District Court abuse its discretion in denying Appellants’ motion for reconsideration.

Accordingly, we will affirm.²

² The Appellants move for leave to submit their reply brief in DVD format, in order to include hyperlinks. We grant this motion.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1338

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Appellants

v.

ALBERT DYNO, JR. in his official and personal capacity as Executor of the Estate of
Rosemarie Sterchak, deceased

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, BOVE, MASCOTT, and ROTH,¹ *Circuit Judges*.

The petition for rehearing on behalf of Appellants in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Thomas M. Hardiman
Circuit Judge

Dated: April 9, 2026
Lmr/cc: Julia Dyno
Thomas Lamont Dyno
All Counsel of Record

¹ The vote of Judge Roth is limited to panel rehearing.

**Additional material
from this filing is
available in the
Clerk's Office.**

In The
Supreme Court of The United States

Thomas Lamont Dyno and
Julia Dyno

Petitioners – pro se

v.

Albert Dyno, Jr.

Respondent

Case # _____

Proof of Service

Extension of Time

U.S. 3rd Circuit # 25-1338

I, Carol Cass, hereby affirm under penalty of perjury that I am over 18 years of age, and neither a party to the above case nor an employee or a relative of a party to and on June 10, 2026, I served Michael Briechle, 1 copy of Thomas Lamont Dyno and Julia Dyno's June 10, 2026 Application for, a 60 day Extension of Time, to File a Petition for Writ of Certiorari with an unexecuted proof a service.

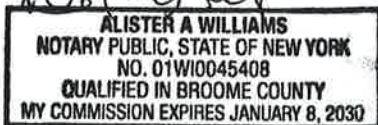
Service was by US 1st Class Mail with USPS form 3817 and was effectuated by depositing a true and authentic copy of the aforesaid Application into 1 prepaid envelope properly addressed to attorney of record :

Michael Briechle, Esq.
Briechle Law Offices PC
4 Chestnut Street
Montrose, Pa. 18801

With the desk clerk, with an unexecuted USPS form 3817 at The United States Postal Service located at 307 Main Street Johnson City, New York 13790-9998

That this foregoing service described above satisfies the requirements of U.S. Supreme Court **Rule 29** and pursuant to **28 USC 1746** I hereby affirm under penalty of perjury that the foregoing is true and correct. Executed on:

June 10, 2026



Carol S. Cass
46 Academy Street
Johnson City, New York 13790
Telephone 1 - 607 - 288 - 2172

