

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

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CA 09-01896

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, PINE, AND GORSKI, JJ.

PELUSIO FAMILY PARTNERSHIP, L.P.,
PLAINTIFF-RESPONDENT,

V

ORDER

MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY,
DEFENDANT-APPELLANT.

UNDERBERG & KESSLER LLP, ROCHESTER (PAUL F. KENEALLY OF COUNSEL), FOR
DEFENDANT-APPELLANT.

WOODS OVIATT GILMAN LLP, ROCHESTER (ROBERT S. ATTARDO OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Harold L. Galloway, J.), entered June 1, 2009 in a declaratory judgment action. The order denied defendant's motion for summary judgment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for the reasons stated in the decision at Supreme Court.

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court