

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

1331

**CA 09-00404**

PRESENT: MARTOCHE, J.P., SMITH, PERADOTTO, GREEN, AND PINE, JJ.

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IN THE MATTER OF THE ARBITRATION BETWEEN  
ADAM BOBAK, PETITIONER-RESPONDENT,

AND

MEMORANDUM AND ORDER

AIG CLAIMS SERVICES, INC., NEW HAMPSHIRE  
INSURANCE COMPANY AND AMERICAN INTERNATIONAL  
GROUP, INC., RESPONDENTS-APPELLANTS.  
(APPEAL NO. 2.)

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GOLDBERG SEGALLA LLP, BUFFALO (PAUL D. MCCORMICK OF COUNSEL), FOR  
RESPONDENTS-APPELLANTS.

THE COSGROVE LAW FIRM, BUFFALO (EDWARD C. COSGROVE OF COUNSEL), FOR  
PETITIONER-RESPONDENT.

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Appeal from a judgment (denominated order and judgment) of the  
Supreme Court, Erie County (Joseph G. Makowski, J.), entered December  
22, 2008 in a proceeding pursuant to CPLR article 75. The judgment  
confirmed the arbitration award.

It is hereby ORDERED that the case is held, the decision is  
reserved and the matter is remitted to Supreme Court, Erie County, for  
further proceedings in accordance with the same Memorandum as in  
*Matter of New Hampshire Ins. Co. (Bobak)* (\_\_\_ AD3d \_\_\_ [Apr. 30,  
2010]).

All concur except MARTOCHE, J.P., and GREEN, J., who dissent and  
vote to affirm in the same dissenting Memorandum as in *Matter of New  
Hampshire Ins. Co. (Bobak)* (\_\_\_ AD3d \_\_\_ [Apr. 30, 2010]).

Entered: April 30, 2010

Patricia L. Morgan  
Clerk of the Court