

=====  
This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
-----

No. 134  
Kristopher Kohl,  
                  Appellant,  
                  v.  
American Transit Insurance  
Company,  
                  Respondent.

Salvatore J. Sciangula, for appellant.  
Marjorie E. Bornes, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed  
with costs.

Kristopher Kohl, a passenger in a taxicab, was sued by  
a bicyclist who claimed that he was injured when Kohl opened the  
taxi's door. The Appellate Division correctly held that Kohl was  
not insured under the taxi owner's policy of automobile liability

insurance. The policy says that it "shall inure to the benefit of any person legally operating" the insured vehicle in the business of the insured. The word "operating" cannot be stretched to include a passenger's riding in the car or opening the door.

\* \* \* \* \*

Order affirmed, with costs, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided July 1, 2010