

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

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CA 23-00497

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, GREENWOOD, AND KEANE, JJ.

ERIE INSURANCE COMPANY, AS SUBROGEE OF
MAC'S PIZZERIA & GRILL CORP., ET AL.,
PLAINTIFF-APPELLANT,

V

ORDER

CHILDREN'S PALACE CHILDCARE CENTER, INC.,
DEFENDANT,
DELL, INC., AND DELL, INC., DOING BUSINESS
AS DELL COMPUTERS, INC., DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

RUPP PFALZGRAF LLC, BUFFALO (BRANDON SNYDER OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

LAW OFFICE OF DAVID TENNANT PLLC, ROCHESTER (DAVID H. TENNANT OF
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Monroe County
(Christopher S. Ciaccio, A.J.), entered February 23, 2023. The order
granted the motion of defendants Dell, Inc., and Dell, Inc., doing
business as Dell Computers, Inc. for summary judgment.

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

Entered: November 15, 2024

Ann Dillon Flynn
Clerk of the Court