

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

1418

CA 16-01640

PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

NICK'S GARAGE, INC., PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ALLSTATE INSURANCE COMPANY, ALLSTATE INDEMNITY
COMPANY, AND ALLSTATE PROPERTY AND CASUALTY
INSURANCE COMPANY, DEFENDANTS-RESPONDENTS.
(APPEAL NO. 2.)

BOUSQUET HOLSTEIN PLLC, SYRACUSE (CECELIA R.S. CANNON OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

GOLDBERG SEGALLA LLP, SYRACUSE (HEATHER ZIMMERMAN OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order and judgment (one paper) of the Supreme
Court, Onondaga County (James P. Murphy, J.), entered December 10,
2015. The order and judgment granted the motion of defendants for
summary judgment dismissing the second amended complaint.

It is hereby ORDERED that the order and judgment so appealed from
is unanimously reversed on the law without costs, the motion is denied
and the second amended complaint is reinstated.

Same memorandum as in *Jeffrey's Auto Body, Inc. v Allstate Ins.
Co.* ([appeal No. 1] – AD3d – [Mar. 16, 2018] [4th Dept 2018]).

Entered: March 16, 2018

Mark W. Bennett
Clerk of the Court