

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

789

CA 16-02061

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, TROUTMAN, AND SCUDDER, JJ.

KRISTEN SMITH, NOW KNOWN AS KRISTEN BURGEAIS,
PLAINTIFF-APPELLANT,

V

ORDER

TRAVELERS CASUALTY AND SURETY COMPANY,
DEFENDANT-RESPONDENT,
ET AL., DEFENDANT.
(APPEAL NO. 2.)

MICHELE E. DETRAGLIA, UTICA, FOR PLAINTIFF-APPELLANT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (ANTHONY G. MARECKI OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered June 22, 2016. The order denied the motion of plaintiff for leave to renew or reargue.

It is hereby ORDERED that said appeal from the order insofar as it denied leave to reargue is unanimously dismissed (*see Empire Ins. Co. v Food City*, 167 AD2d 983, 984) and the order is affirmed without costs for reasons stated at Supreme Court.

Entered: June 9, 2017

Frances E. Cafarell
Clerk of the Court