

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

222

CA 18-01229

PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

KATHLEEN S. DURNELL, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY,
DEFENDANT-RESPONDENT.

(APPEAL NO. 2.)

MERLIN LAW GROUP, P.A., NEW YORK CITY (VERNE PEDRO OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (JAMES GRABER OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Chautauqua County
(Frank A. Sedita, III, J.), entered August 31, 2017. The order
granted the motion of defendant to strike the complaint and dismissed
the action.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Same memorandum as in *Peterson v New York Cent. Mut. Fire Ins.
Co.* (- AD3d - [July 31, 2019] [4th Dept 2019]).

Entered: July 31, 2019

Mark W. Bennett
Clerk of the Court