

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

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CA 19-01568

PRESENT: CENTRA, J.P., NEMOYER, CURRAN, AND WINSLOW, JJ.

MICHAEL J. CARLSON, SR., INDIVIDUALLY AND
AS ADMINISTRATOR OF THE ESTATE OF CLAUDIA
D'AGOSTINO CARLSON, DECEASED, AND AS ASSIGNEE
OF WILLIAM PORTER, PLAINTIFF-APPELLANT,

V

ORDER

AMERICAN INTERNATIONAL GROUP, INC., AIG
DOMESTIC CLAIMS, INC., AMERICAN ALTERNATIVE
INSURANCE CO., NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, AND DHL EXPRESS
(USA), INC., FORMERLY KNOWN AS DHL WORLDWIDE
EXPRESS, INC., DEFENDANTS-RESPONDENTS.

BROWN CHIARI LLP, BUFFALO (TIMOTHY M. HUDSON OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

BARCLAY DAMON LLP, BUFFALO (KEVIN D. SZCZEPANSKI OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS AMERICAN INTERNATIONAL GROUP, INC., AIG
DOMESTIC CLAIMS, INC. AND NATIONAL UNION FIRE INSURANCE COMPANY OF
PITTSBURGH, PA.

RUBIN, FIORELLA, FRIEDMAN & MERCANTE, LLP, NEW YORK CITY (PAUL KOVNER
OF COUNSEL), FOR DEFENDANT-RESPONDENT AMERICAN ALTERNATIVE INSURANCE
CO.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP, NEW YORK CITY
(PATRICK J. LAWLESS OF COUNSEL), FOR DEFENDANT-RESPONDENT DHL EXPRESS
(USA), INC., FORMERLY KNOWN AS DHL WORLDWIDE EXPRESS, INC.

Appeal from an order of the Supreme Court, Niagara County (Ralph
A. Boniello, III, J.), entered February 6, 2019. The order granted
the motions of defendants to dismiss the complaint.

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

Entered: April 24, 2020

Mark W. Bennett
Clerk of the Court