

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

**469**

**CA 19-01872**

PRESENT: PERADOTTO, J.P., LINDLEY, NEMOYER, TROUTMAN, AND DEJOSEPH, JJ.

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BRITTNEY BAILEY, PLAINTIFF-APPELLANT,

V

ORDER

AMERICAN FLEET MAINTENANCE, INC. AND  
CHARLES MONACHINO, DEFENDANTS-RESPONDENTS.

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PARISI & BELLAVIA, LLP, ROCHESTER (TIMOTHY C. BELLAVIA OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

LAW OFFICES OF JOHN WALLACE, BUFFALO (ALYSON C. CULLITON OF COUNSEL),  
FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (William K. Taylor, J.), entered September 24, 2019. The order and judgment, among other things, granted defendants' motion for summary judgment and dismissed the complaint insofar as it alleged that plaintiff sustained a serious injury under Insurance Law § 5012 (d).

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

Entered: June 12, 2020

Mark W. Bennett  
Clerk of the Court