

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

**342**

**CA 23-00276**

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, GREENWOOD, AND NOWAK, JJ.

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FAUSTO PRATTICO, PLAINTIFF-RESPONDENT-APPELLANT,

V

ORDER

TITAN INSURANCE AND EMPLOYEE BENEFITS AGENCY, LLC,  
MICHAEL GUROWSKI, TAMMY GUROWSKI, MARISSA BENETT  
AND US RETIREMENT PARTNERS,  
DEFENDANTS-APPELLANTS-RESPONDENTS.

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GIBSON, MCASKILL & CROSBY, LLP, BUFFALO (MICHAEL P. SULLIVAN OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS-RESPONDENTS.

BARCLAY DAMON LLP, BUFFALO (DAVID M. FULVIO OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT-APPELLANT.

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Appeal and cross-appeal from an order of the Supreme Court,  
Monroe County (Debra A. Martin, A.J.), entered February 8, 2023. The  
order denied the motion of defendants to dismiss the amended complaint  
and denied the cross-motion of plaintiff seeking, inter alia, an award  
of attorney's fees and costs.

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

Entered: May 3, 2024

Ann Dillon Flynn  
Clerk of the Court