

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

767.1

CA 23-00477

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

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HARLEYSVILLE PREFERRED INSURANCE COMPANY AND  
HARLEYSVILLE WORCESTER INSURANCE COMPANY, AS  
SUBROGEE OF G.W.P. LLC, DOING BUSINESS AS  
GATEWAY PLAZA, PLAINTIFFS-APPELLANTS,

V

ORDER

CHILDREN'S PALACE CHILDCARE CENTER, INC.,  
DEFENDANT,  
DELL, INC., AND DELL, INC., DOING  
BUSINESS AS DELL COMPUTERS, INC.,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 1.)

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HURWITZ FINE, P.C., BUFFALO (MICHAEL F. PERLEY OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS.

LAW OFFICE OF DAVID TENNANT PLLC, ROCHESTER (DAVID H. TENNANT OF  
COUNSEL), FOR DEFENDANTS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Monroe County  
(Christopher S. Ciaccio, A.J.), entered February 23, 2023. The order  
granted the motion of defendants Dell, Inc. and Dell, Inc., doing  
business as Dell Computers, Inc. for summary judgment.

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

Entered: November 15, 2024

Ann Dillon Flynn  
Clerk of the Court