

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

1090

CA 18-00900

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, DEJOSEPH, AND TROUTMAN, JJ.

ALLIED WORLD NATIONAL ASSURANCE COMPANY,
PLAINTIFF-RESPONDENT,

V

ORDER

PEERLESS INSURANCE COMPANY - A STOCK COMPANY,
DEFENDANT-APPELLANT.

JAFFE & ASHER LLP, WHITE PLAINS (MARSHALL T. POTASHNER OF COUNSEL),
FOR DEFENDANT-APPELLANT.

HARTER SECREST & EMERY LLP, BUFFALO (PATRICK M. TOMOVIC OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered December 7, 2017. The order, insofar as appealed from, denied the motion of defendant 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 9, 2018

Mark W. Bennett
Clerk of the Court