

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

315

CA 22-00897

PRESENT: WHALEN, P.J., PERADOTTO, BANNISTER, MONTOUR, AND GREENWOOD, JJ.

MICHAEL FORNINO, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY,
W.B. PAYNE COMPANY, INC., DEFENDANTS-RESPONDENTS,
ET AL., DEFENDANT.
(APPEAL NO. 1.)

SAUNDERS KAHLER, L.L.P., UTICA (MICHAEL D. CALLAN OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

SARETSKY KATZ & DRANOFF, L.L.P., ELMSFORD (ALLEN L. SHERIDAN OF
COUNSEL), FOR DEFENDANT-RESPONDENT NEW YORK CENTRAL MUTUAL FIRE
INSURANCE COMPANY.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (ALAN J. BEDENKO OF
COUNSEL), FOR DEFENDANT-RESPONDENT W.B. PAYNE COMPANY, INC.

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered May 3, 2022. The order denied plaintiff's motion for summary judgment on the amended complaint against defendant New York Central Mutual Fire Insurance Company and defendant W.B. Payne Company, Inc.

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

Same memorandum as in *Fornino v New York Cent. Mut. Fire Ins. Co.* ([appeal No. 2] - AD3d - [July 28, 2023] [4th Dept 2023]).

Entered: July 28, 2023

Ann Dillon Flynn
Clerk of the Court