

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

393

CA 23-01602

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, DELCONTE, AND HANNAH, JJ.

UTICA FIRST INSURANCE COMPANY,
PLAINTIFF-RESPONDENT,

V

ORDER

COTE AGENCY INC., ET AL., DEFENDANTS,
BALDES PROTECTION AGENCY, INC., BALDES
PROTECTION AGENCY, INC., DOING BUSINESS
AS COTE AGENCY, AND BALDES PROTECTION
AGENCY, INC., DOING BUSINESS AS COTE
INSURANCE AGENCY, DEFENDANTS-APPELLANTS.

SULLIVAN & KLEIN, LLP, NEW YORK CITY (ROBERT M. SULLIVAN OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

FARBER BROCKS & ZANA L.L.P., GARDEN CITY (LESTER CHANIN OF COUNSEL),
FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County
(Bernadette T. Clark, J.), entered September 21, 2023. The order
denied the motion of defendants Baldes Protection Agency, Inc., Baldes
Protection Agency, Inc., doing business as Cote Agency, and Baldes
Protection Agency, Inc., doing business as Cote Insurance Agency, to
dismiss plaintiff's sixth cause of action.

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: May 3, 2024

Ann Dillon Flynn
Clerk of the Court