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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 128 SSM 6
Preferred Mutual Insurance
Company,
Respondent,
v.
John Donnelly, et al.,
Defendants,
Robert Jackson,
Appellant.

Submitted by Mo Athari, for appellant.
Submitted by Joseph M. Schnitter, for respondent.

MEMORANDUM:

The Appellate Division order should be affirmed with
costs.

The Appellate Division correctly determined that the
plaintiff-insurer presented sufficient evidence of a regular

office practice to ensure the proper mailing of notifications to insureds so as to raise the presumption that such a notification was mailed to and received by the insured. Specifically, the plaintiff-insurer submitted an affidavit from an employee who had personal knowledge of the practices utilized by the insurer at the time of the alleged mailing to ensure the accuracy of addresses, as well as office procedures relating to the delivery of mail to the post office. Thus, the plaintiff-insurer provided proper notice of the amendment to the policy upon renewal adding the relevant exclusion. Defendant's remaining contentions are without merit.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

Decided April 3, 2014