

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D12184  
E/cb

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Argued - June 5, 2006

STEPHEN G. CRANE, J.P.  
GLORIA GOLDSTEIN  
REINALDO E. RIVERA  
ROBERT A. LIFSON, JJ.

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2005-07745

DECISION & ORDER

Ryder Truck Rental, Inc., appellant, v Allstate  
Insurance Company, et al., respondents.

(Index No. 3871/03)

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Wilson, Bave, Conboy, Cozza & Couzens, P.C., White Plains, N.Y. (Joel Hirshfield of counsel), for appellant.

Kornfeld, Rew, Newman & Simeone, Suffern, N.Y. (Thomas J. Newman of counsel), for respondent Allstate Insurance Company.

In an action to recover damages for unjust enrichment, the plaintiff appeals from an order of the Supreme Court, Westchester County (Murphy, J.), entered July 25, 2005, which denied its motion for summary judgment and, upon searching the record, awarded summary judgment to the defendants dismissing the complaint.

ORDERED that the order is affirmed, with costs to the defendant Allstate Insurance Company.

The Supreme Court properly denied the plaintiff's motion for summary judgment and, upon searching the record, awarded summary judgment to the defendants dismissing the complaint (*see* CPLR 3212[b]).

CRANE, J.P., GOLDSTEIN, RIVERA and LIFSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 10, 2006

RYDER TRUCK RENTAL, INC. v ALLSTATE INSURANCE COMPANY