

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

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_____AD3d_____

Argued - March 16, 2007

ROBERT W. SCHMIDT, J.P.
WILLIAM F. MASTRO
EDWARD D. CARNI
THOMAS A. DICKERSON, JJ.

2005-07842

DECISION & ORDER

Mercedes Gil, plaintiff-respondent, v Manufacturers
Hanover Trust Company, et al., defendants third-party
plaintiffs-appellants; McGuire Service Corp., third-
party defendant-respondent.

(Index No. 50297/02)

Quirk and Bakalor, P.C., New York, N.Y. (Jeanne M. Boyle of counsel), for
defendants third-party plaintiffs-appellants.

DiJoseph & Portegello, P.C., New York, N.Y. (Arnold E. DiJoseph III and Norman
I. Lida of counsel), for plaintiff-respondent.

Lewis Johs Avallone Aviles, LLP, Melville, N.Y. (John F. Morrison of counsel), for
third-party defendant-respondent.

In an action to recover damages for personal injuries, the defendants third-party
plaintiffs appeal from so much of an order of the Supreme Court, Kings County (David Schmidt, J.),
dated June 9, 2005, as denied those branches of its motion which were for summary judgment
dismissing the complaint and for summary judgment on its third-party cause of action for contractual
indemnification.

April 17, 2007

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GIL v MANUFACTURERS HANOVER TRUST COMPANY

ORDERED that the appeal is dismissed, with costs, as the order was superseded by an order of the same court dated December 23, 2005, made upon reargument (*see Gil v Manufacturers Hanover Trust Company*, _____AD3d_____ [Appellate Division Docket No. 2006-01436, decided herewith]).

SCHMIDT, J.P., MASTRO, CARNI and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court