

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

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Argued - September 7, 2007

ROBERT W. SCHMIDT, J.P.
REINALDO E. RIVERA
GABRIEL M. KRAUSMAN
ANITA R. FLORIO, JJ.

2005-11519
2006-01863

DECISION & ORDER

Wall Street Mail Pick Up Service, Inc., plaintiff-respondent, v Lancer Insurance Company, appellant, I.A. Yanoff & Co., Ltd., defendant, Ace Insurance Agency, Ltd., defendant-respondent; Infinity Insurance Co., nonparty-respondent.

(Index No. 010771/03) (and other titles)

Curtis, Vasile, Devine & McElhenny, Merrick, N.Y. (Roy W. Vasile and Patricia M. D'Antone of counsel), for appellant.

Hoffman & Behar, LLP (Mischel & Horn, P.C., New York, N.Y. [Scott T. Horn] of counsel), for plaintiff-respondent.

Jaffe & Nohavicka (Ptashnik & Associates, New York, N.Y. [Melissa B. Zoldan] of counsel), for defendant-respondent.

Albert James Galatan, Oakland Gardens, N.Y., for nonparty-respondent.

In an action, inter alia, to recover damages for wrongful termination of an insurance policy, the defendant Lancer Insurance Company appeals from (1) an order of the Supreme Court, Nassau County (Winslow, J.), entered November 2, 2005, which, after a hearing, determined, among other things, that the notice of cancellation of the policy was defective, and (2) an amended order of the same court dated January 25, 2006, which, inter alia, in effect, referred certain issues to the Justice who directed the hearing.

ORDERED that the appeals are dismissed, with one bill of costs.

The order entered November 2, 2005, and the amended order dated January 25, 2006, are not appealable as of right, as no appeals lie as of right from orders that do not decide motions made on notice (*see* CPLR 5701[a][2]), and we decline to grant leave to appeal (*see* CPLR 5701[c]).

SCHMIDT, J.P., RIVERA, KRAUSMAN and FLORIO, 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