

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

D16704
X/kmg

_____AD3d_____

Argued - October 9, 2007

HOWARD MILLER, J.P.
DAVID S. RITTER
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2007-01102

DECISION & ORDER

In the Matter of State Farm Fire and Casualty
Company, petitioner-respondent, v Robin Sweet-Roy,
respondent-respondent; Earl Dent, et al., proposed
additional respondents, Allstate Indemnity Company,
proposed additional respondent-appellant.

(Index No. 30861/05)

Robert P. Tusa (Sweetbaum & Sweetbaum, Lake Success, N.Y. [Marshall D. Sweetbaum] of counsel), for proposed additional respondent-appellant.

Richard T. Lau, Jericho, N.Y. (Joseph G. Gallo of counsel), for petitioner-respondent.

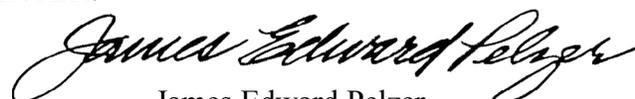
In a proceeding pursuant to CPLR article 75 to permanently stay arbitration, the proposed additional respondent Allstate Indemnity Company appeals from an order of the Supreme Court, Kings County (Johnson, J.), dated January 4, 2007, which denied its motion, inter alia, to vacate an order of the same court dated October 18, 2006, entered upon its consent, granting the petition.

ORDERED that the order is affirmed, with costs.

Under the particular circumstances of this case, the Supreme Court correctly denied the appellant's motion, inter alia, to vacate the order entered upon its consent.

MILLER, J.P., RITTER, COVELLO and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 30, 2007

MATTER OF STATE FARM FIRE AND CASUALTY CO. v SWEET-ROY