

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

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Submitted - February 19, 2009

MARK C. DILLON, J.P.
HOWARD MILLER
ARIEL E. BELEN
CHERYL E. CHAMBERS, JJ.

2008-06275

DECISION & ORDER

In the Matter of Travelers Personal Security Insurance Company, petitioner-respondent, v Stanley Melabranche, respondent; Progressive Insurance Company, et al., additional respondents-appellants.

(Index No. 42717/07)

Teresa Girolamo, Miller Place, N.Y., for additional respondents-appellants.

Karen C. Dodson, New York, N.Y. (Michael L. Rappaport of counsel), for petitioner-respondent.

In a proceeding pursuant to CPLR 7503(b) to permanently stay arbitration of an uninsured motorist claim, Progressive Insurance Company and Oleg Ivanov appeal from an order of the Supreme Court, Kings County (Kurtz, R.), dated February 27, 2008, which, after a framed- issue hearing, granted the petition and permanently stayed the arbitration.

ORDERED that the order is affirmed, with costs.

Contrary to the appellants' contention, the unredacted police report was properly admitted into evidence (*see Bayne v City of New York*, 29 AD3d 924, 925-926; *Matter of Irizarry v Motor Veh. Indem. Corp.*, 287 AD2d 716; *cf. Matter of Phoenix Ins. Co. v Golanek*, 50 AD3d 1148).

March 31, 2009

Page 1.

MATTER OF TRAVELERS PERSONAL SECURITY INSURANCE
COMPANY v MELABRANCHE

In light of the above determination, we need not reach the parties' remaining contentions.

DILLON, J.P., MILLER, BELEN and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court