

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

D23725
C/kmg

____AD3d____

Submitted - May 26, 2009

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2008-10147

DECISION & ORDER

State Farm Fire and Casualty, as subrogee of
Joseph N. Misk, respondent, v Parking Systems
Valet Service, appellant.

(Index No. 25150/04)

Stephen David Fink, Forest Hills, N.Y., for appellant.

Serpe, Andree & Kaufman, Huntington, N.Y. (Cynthia G. Gamana of counsel), for
respondent.

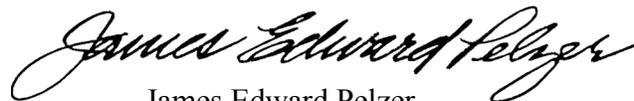
In a subrogation action to recover insurance benefits paid to the plaintiff's insured for
the theft of personal property, the defendant appeals from a judgment of the Supreme Court, Queens
County (Geller, J.H.O.), entered September 29, 2008, which, after a nonjury trial, is in favor of the
plaintiff and against it.

ORDERED that the judgment is affirmed, with costs.

Based on the evidence at trial, the Supreme Court properly found in favor of the
plaintiff on the issue of liability.

MASTRO, J.P., FISHER, ENG and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 30, 2009

STATE FARM FIRE AND CASUALTY, as subrogee of MISK
v PARKING SYSTEMS VALET SERVICE