

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

D30280
H/kmb

_____AD3d_____

Argued - February 14, 2011

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
JOHN M. LEVENTHAL
SHERI S. ROMAN, JJ.

2010-01124

DECISION & ORDER

In the Matter of Government Employees Insurance
Company, appellant, v Stephanie Vastola, et al.,
respondents.

(Index No. 365/09)

Gail S. Lauzon (Montfort, Healy, McGuire & Salley, Garden City, N.Y. [Donald S. Neumann, Jr.], of counsel), for appellant.

Marjorie E. Bornes, New York, N.Y., for respondent American Transit Insurance Company.

In a proceeding pursuant to CPLR article 75 to permanently stay arbitration of an uninsured motorist claim, the petitioner appeals from an order of the Supreme Court, Queens County (Rios, J.), entered January 8, 2010, which, after a framed-issue hearing, denied the petition, dismissed the proceeding, and directed the parties to proceed to arbitration.

ORDERED that the order is affirmed, with costs.

Contrary to the petitioner's contention, the time within which American Transit Insurance Company provided its insured with written notice disclaiming coverage was not unreasonable as a matter of law (*see First Fin. Ins. Co. v Jetco Contr. Corp.*, 1 NY3d 64, 68-70; *Those Certain Underwriters at Lloyds, London v Gray*, 49 AD3d 1, 4; *Schoenig v North Sea Ins. Co.*, 28 AD3d 462).

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The petitioner's remaining contentions are either not properly before this Court or without merit.

MASTRO, J.P., SKELOS, LEVENTHAL and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court