

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**1222**

**CA 15-00122**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, WHALEN, AND DEJOSEPH, JJ.

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TRAVELERS INSURANCE COMPANY, AS SUCCESSOR IN  
INTEREST BY MERGER TO GULF INSURANCE COMPANY,  
PLAINTIFF-RESPONDENT,

V

ORDER

BENDERSON DEVELOPMENT COMPANY, LLC, DANFB, LLC,  
BENDERSON DEVELOPMENT COMPANY, INC., BENDERSON  
PROPERTIES, INC., DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANT.  
(APPEAL NO. 1.)

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GALBO & ASSOCIATES, BUFFALO (RICHARD A. GALBO OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

KATZ & RYCHIK P.C., NEW YORK CITY (ABE M. RYCHIK OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowia, J.), entered August 25, 2014. The order, among other things, granted plaintiff's motion for summary judgment on the amended complaint and for summary judgment dismissing the counterclaim.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see also CPLR 5501 [a] [1]*).

Entered: November 20, 2015

Frances E. Cafarell  
Clerk of the Court