

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

330

CA 16-01568

PRESENT: CARNI, J.P., LINDLEY, DEJOSEPH, TROUTMAN, AND SCUDDER, JJ.

ANITA A. VITULLO, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY,
DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

WILKOFSKY, FRIEDMAN, KAREL & CUMMINS, NEW YORK CITY (HARRY A. CUMMINS
OF COUNSEL), FOR PLAINTIFF-APPELLANT.

RUPP BAASE PFALZGRAF CUNNINGHAM LLC, BUFFALO (MARCO CERCONE OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Norman
I. Siegel, J.), entered November 16, 2015. The order, among other
things, denied plaintiff's motion for summary judgment.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Same memorandum as in *Vitullo v New York Cent. Mut. Fire Ins. Co.*
([appeal No. 1] ___ AD3d ___ [Mar. 31, 2017]).

Entered: March 31, 2017

Frances E. Cafarell
Clerk of the Court