

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

995

CA 08-00930

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, GREEN, AND GORSKI, JJ.

GRIFFITH OIL COMPANY, INC., BIG FLATS
REALTY, INC., AND E. PHILLIP SAUNDERS,
AS TRUSTEE, PLAINTIFFS-APPELLANTS,

V

ORDER

NATIONAL UNION FIRE INSURANCE COMPANY OF
PITTSBURGH, PA., DEFENDANT-RESPONDENT,
ET AL., DEFENDANTS.
(APPEAL NO. 1.)

KNAUF SHAW LLP, ROCHESTER (ALAN J. KNAUF OF COUNSEL), FOR
PLAINTIFFS-APPELLANTS.

GOLDBERG SEGALLA LLP, ALBANY (MATTHEW S. LERNER OF COUNSEL), AND LAW
OFFICES OF BETH ZARO GREEN, BROOKLYN, FOR DEFENDANT-RESPONDENT.

WILEY REIN LLP, WASHINGTON, D.C., CHAMBERLAIN D'AMANDA OPPENHEIMER &
GREENFIELD LLP, ROCHESTER (K. WADE EATON OF COUNSEL), FOR COMPLEX
INSURANCE CLAIMS LITIGATION ASSOCIATION, AMICUS CURIAE.

ANDERSON KILL & OLICK, P.C., NEW YORK CITY (JOHN G. NEVIUS OF
COUNSEL), FOR UNITED POLICYHOLDERS, AMICUS CURIAE.

Appeal from a judgment (denominated order) of the Supreme Court,
Monroe County (Harold L. Galloway, J.), entered March 26, 2008 in a
declaratory judgment action. The judgment granted the motion of
defendant National Union Fire Insurance Company of Pittsburgh, Pa. for
partial summary judgment and denied that part of the cross motion of
plaintiffs for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (*see Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d
985).

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court