

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

1180

CA 10-00613

PRESENT: MARTOCHE, J.P., LINDLEY, SCONIERS, PINE, AND GORSKI, JJ.

KARA R. MCCANN, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

HARLEYSVILLE INSURANCE COMPANY OF NEW YORK,
DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (CHRISTOPHER R. POOLE
OF COUNSEL), FOR DEFENDANT-APPELLANT.

ANSPACH MEEKS ELLENBERGER LLP, BUFFALO (DAVID M. STILLWELL OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered February 26, 2010 in a personal injury action. The order denied the motion of defendant to compel disclosure and granted the cross motion of plaintiff for a protective order.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by denying the cross motion and as modified the order is affirmed without costs.

Same Memorandum as in *McCann v Harleysville Ins. Co. of N.Y.* ([appeal No. 1] ___ AD3d ___ [Nov. 12, 2010]).

Entered: November 12, 2010

Patricia L. Morgan
Clerk of the Court