

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

1347

CA 11-01372

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, GREEN, AND MARTOCHE, JJ.

ERIC ROTHFUSS AND LORA ANN ROTHFUSS,
PLAINTIFFS-RESPONDENTS-APPELLANTS,

V

ORDER

ERIE AND NIAGARA INSURANCE ASSOCIATION,
DEFENDANT-APPELLANT-RESPONDENT.

ERNEST D. SANTORO, ESQ., P.C., ROCHESTER (ERNEST D. SANTORO OF
COUNSEL), FOR DEFENDANT-APPELLANT-RESPONDENT.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (CHRISTINA F. DEJOSEPH OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS-APPELLANTS.

Appeal and cross appeal from a judgment (denominated order) of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered November 1, 2010. The judgment, among other things, adjudged that plaintiffs suffered a loss covered under the terms of the policy of insurance issued by defendant.

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

Entered: December 30, 2011

Frances E. Cafarell
Clerk of the Court