

=====
This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 257 SSM 32
Adwoa Gyabaah,
Respondent,
v.
Rivlab Transportation Corp.,
Appellant,
et al.,
Defendant,
Jeffrey A. Aronsky, P.C.
Nonparty-Respondent.

Submitted by Elizabeth Gelfand Kastner, for appellant.
Submitted by Barry Liebman, for respondent.
Submitted by Brian J. Isaac, for nonparty-respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed,
with costs, and the certified question answered in the
affirmative.

This action was not settled because the general release
and the hold harmless agreement were never delivered to

defendant, nor was the acceptance of the settlement offer otherwise communicated to defendant or its carrier (see White v Corlies, 46 NY 467, 469 [1871]).

* * * * *

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Rivera concur. Judge Abdus-Salaam took no part.

Decided December 17, 2013