

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D54522
L/htr

_____AD3d_____

Argued - November 13, 2017

L. PRISCILLA HALL, J.P.
SYLVIA O. HINDS-RADIX
JOSEPH J. MALTESE
ANGELA G. IANNACCI, JJ.

2016-08129

DECISION & ORDER

Michelle Gray, respondent, v Tri-State Consumer
Insurance Company, appellant.

(Index No. 705510/13)

Kaufman Dolowich & Voluck LLP, Woodbury, NY (Eric B. Stern of counsel), for
appellant.


Greenblatt & Agulnick, P.C., Great Neck, NY (Scott E. Agulnick and Steven A.
Kotchek of counsel), for respondent.

In an action, inter alia, to recover damages for breach of a homeowner's insurance policy, the defendant appeals from an order of the Supreme Court, Queens County (Gavrin, J.), entered July 28, 2016, which granted the plaintiff's motion to strike its answer based upon its alleged failure to comply with a conditional order entered December 16, 2015.

ORDERED that the appeal is dismissed as academic, without costs or disbursements, in light of our determination of the companion appeal (*see Gray v Tri-State Consumer Ins. Co.*, ___ AD3d ___ [Appellate Division Docket No. 2015-12445; decided herewith]).

HALL, J.P., HINDS-RADIX, MALTESE and IANNACCI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

January 31, 2018

GRAY v TRI-STATE CONSUMER INSURANCE COMPANY