

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

**1346**

**CA 17-00075**

PRESENT: WHALEN, P.J., PERADOTTO, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

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ESSEX INSURANCE COMPANY, PLAINTIFF-RESPONDENT,

V

ORDER

NDC REALTY, INC., DEFENDANT,  
AND SCOTT LIGER, DEFENDANT-APPELLANT.

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VIOLA, CUMMINGS & LINDSAY, LLP, NIAGARA FALLS (MICHAEL J. SKONEY OF COUNSEL), FOR DEFENDANT-APPELLANT.

GOLDBERG SEGALLA, LLP, BUFFALO (SHARON ANGELINO OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from a judgment (denominated order and judgment) of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered April 15, 2016. The judgment, inter alia, declared that plaintiff has no remaining duty to defend and indemnify defendant NDC Realty, Inc. in the underlying personal injury action brought by defendant Scott Liger.

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

Entered: November 9, 2017

Mark W. Bennett  
Clerk of the Court