

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

1003

CA 16-01854

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

---

JEFFREY'S AUTO BODY, INC., PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

GEICO INDEMNITY COMPANY, GOVERNMENT EMPLOYEES  
INSURANCE COMPANY, GEICO GENERAL INSURANCE  
COMPANY, AND GEICO CASUALTY INSURANCE COMPANY,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

---

BOUSQUET HOLSTEIN PLLC, SYRACUSE (CECELIA R.S. CANNON OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

GOLDBERG SEGALLA LLP, SYRACUSE (JONATHAN SCHAPP OF COUNSEL), FOR  
DEFENDANTS-RESPONDENTS.

---

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered January 11, 2016. The order and judgment granted the motion of defendants for summary judgment dismissing plaintiff's amended complaint.

It is hereby ORDERED that the order and judgment so appealed from is unanimously modified on the law by denying the motion in part and reinstating the first cause of action, and the third cause of action to the extent that it is asserted on behalf of plaintiff itself, and as modified the order and judgment is affirmed without costs.

Same memorandum as in *Nick's Garage, Inc. v Geico Indemnity Co.* ([appeal No. 1] - AD3d - [Oct. 5, 2018] [4th Dept 2018]).

Entered: October 5, 2018

Mark W. Bennett  
Clerk of the Court