

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

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CA 22-00899

PRESENT: WHALEN, P.J., PERADOTTO, BANNISTER, MONTOUR, AND GREENWOOD, JJ.

MICHAEL FORNINO, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY,
ET AL., DEFENDANTS,
AND W.B. PAYNE COMPANY, INC., DEFENDANT-RESPONDENT.
(APPEAL NO. 3.)

SAUNDERS KAHLER, L.L.P., UTICA (MICHAEL D. CALLAN OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (ALAN J. BEDENKO OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered May 3, 2022. The order, among other things, granted the cross-motion of defendant W.B. Payne Company, Inc. for summary judgment dismissing plaintiff's amended complaint and all cross-claims against it.

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

Same memorandum as in *Fornino v New York Cent. Mut. Fire Ins. Co.* ([appeal No. 2] – AD3d – [July 28, 2023] [4th Dept 2023]).

Entered: July 28, 2023

Ann Dillon Flynn
Clerk of the Court