

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

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CA 22-00505

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, GREENWOOD, AND KEANE, JJ.

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THE CHAPEL, ALSO KNOWN AS THE CHAPEL AT  
CROSSPOINT, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

GUIDEONE MUTUAL INSURANCE COMPANY,  
DEFENDANT-APPELLANT,  
ET AL., DEFENDANTS.  
(APPEAL NO. 2.)

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LAW OFFICES OF PATEL & RATHJE, GARDEN CITY (CARLA VARRIALE-BAKER OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

WALSH, ROBERTS & GRACE, BUFFALO (MARK P. DELLA POSTA OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, A.J.), entered March 14, 2022. The order granted the motion of defendant GuideOne Mutual Insurance Company insofar as it sought leave to reargue its opposition to plaintiff's motion for summary judgment and, upon reargument, adhered to the prior determination granting plaintiff's motion.

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

Same memorandum as in *The Chapel v GuideOne Mut. Ins. Co.* ([appeal No. 1] – AD3d – [Jan. 31, 2025] [4th Dept 2025]).

Entered: January 31, 2025

Ann Dillon Flynn  
Clerk of the Court