

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

571.2

CA 24-01829

PRESENT: BANNISTER, J.P., MONTOUR, OGDEN, DELCONTE, AND KEANE, JJ.

AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

CONTOUR STEEL INC., CONTOUR ERECTION & SIDING
SYSTEMS, INC., EDEN VALLEY PROPERTIES, INC.,
EDEN VALLEY STEEL, INC., AND EDEN VALLEY
EQUIPMENT, INC., DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

COUCH WHITE, LLP, ALBANY (CLEMENTE J. PARENTE OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

L'ABBATE, BALKAN, COLAVITA & CONTINI, LLP, MELVILLE (MAUREEN E.
O'CONNOR OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Gerald J. Greenan, III, J.), entered October 10, 2024 in a breach of contract action. The order, among other things, granted plaintiff's motion for summary judgment and denied defendants' cross-motion for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *American Empire Surplus Lines Ins. Co. v Contour Steel Inc.* ([appeal No. 1] – AD3d – [July 25, 2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court