

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

571

CA 20-01389

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND BANNISTER, JJ.

ROCCO DELMONTE, PLAINTIFF-APPELLANT,

V

ORDER

AMERICAN RELIABLE INSURANCE COMPANY,
DEFENDANT-RESPONDENT,
ET AL., DEFENDANT.
(APPEAL NO. 1.)

CELLINO LAW LLP, BUFFALO (GREGORY V. PAJAK OF COUNSEL), FOR
PLAINTIFF-APPELLANT.

JEFFREY SAMEL & PARTNERS, NEW YORK CITY (ROBERT G. SPEVACK OF
COUNSEL), FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Chautauqua County (Lynn W. Keane, J.), entered September 22, 2020. The order denied plaintiff's motion for leave to reargue its opposition to the motion of defendant American Reliable Insurance Company to dismiss the complaint.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Empire Ins. Co. v Food City*, 167 AD2d 983, 984 [4th Dept 1990]).

Entered: June 11, 2021

Mark W. Bennett
Clerk of the Court