

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

**895**

**CA 21-00251**

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

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JONES MEMORIAL HOSPITAL, JONES MEMORIAL HOSPITAL  
FOUNDATION AND MLMIC INSURANCE COMPANY,  
PLAINTIFFS-APPELLANTS-RESPONDENTS,

V

ORDER

MAIN STREET AMERICA ASSURANCE COMPANY,  
DEFENDANT-RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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HURWITZ & FINE, P.C., BUFFALO (DAN D. KOHANE OF COUNSEL), FOR  
PLAINTIFFS-APPELLANTS-RESPONDENTS.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (MATTHEW C. RONAN OF  
COUNSEL), FOR DEFENDANT-RESPONDENT-APPELLANT.

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Appeal and cross appeal from an order of the Supreme Court,  
Allegany County (Thomas P. Brown, A.J.), entered December 2, 2020.  
The order denied plaintiffs' motion seeking leave to reargue and  
denied defendant's cross motion seeking leave to reargue.

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

Entered: December 23, 2021

Ann Dillon Flynn  
Clerk of the Court