

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

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CA 08-01444

PRESENT: HURLBUTT, J.P., SMITH, FAHEY, PERADOTTO, AND PINE, JJ.

DENNIS LEBARON, DOING BUSINESS AS AAA DRAIN
CLEANING, PLAINTIFF-APPELLANT-RESPONDENT,

V

ORDER

ERIE INSURANCE COMPANY AND MICHAEL E.
PIONTKOWSKI, DEFENDANTS-RESPONDENTS-APPELLANTS.

LAW OFFICE OF JACOB P. WELCH, CORNING (JACOB P. WELCH OF COUNSEL), FOR
PLAINTIFF-APPELLANT-RESPONDENT.

RUPP, BAASE, PFALZGRAF, CUNNINGHAM & COPPOLA LLC, BUFFALO (MARCO
CERCONE OF COUNSEL), FOR DEFENDANTS-RESPONDENTS-APPELLANTS.

Appeal and cross appeal from an order of the Supreme Court,
Steuben County (Peter C. Bradstreet, A.J.), entered December 13, 2007.
The order, inter alia, granted those parts of the motion of defendants
seeking dismissal of the negligence and slander causes of action and
the punitive damages claim.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs for reasons stated in the decision
at Supreme Court.

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court