

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

**275**

**CA 08-01390**

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, GREEN, AND GORSKI, JJ.

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1440 EMPIRE BOULEVARD DEVELOPMENT CORP.,  
PLAINTIFF-RESPONDENT,

V

ORDER

LAWYERS TITLE INSURANCE CORPORATION,  
DEFENDANT-APPELLANT.

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PHILLIPS LYTTLE LLP, ROCHESTER (MARK J. MORETTI OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

KNAUF SHAW LLP, ROCHESTER (ALAN J. KNAUF OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Kenneth R. Fisher, J.), entered September 27, 2007. The order, among other things, granted plaintiff's motion for partial summary judgment on the issue of liability.

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

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court