

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

**340**

**CA 08-01445**

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

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MICHAEL HOTALING AND RICHARD H. SYKES,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

EXCELLUS HEALTH PLAN, INC., DEFENDANT-APPELLANT.

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ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP, ALBANY (ROBERT H. ISEMAN OF COUNSEL), AND BOND SCHOENECK & KING, PLLC, FAIRPORT, FOR DEFENDANT-APPELLANT.

MACKENZIE HUGHES LLP, SYRACUSE (CARTER H. STRICKLAND OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered April 2, 2008 in a breach of contract action. The order denied the motion of defendant to disqualify counsel for plaintiffs.

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

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court