

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

**1063**

**CA 09-00342**

PRESENT: SMITH, J.P., CENTRA, FAHEY, CARNI, AND PINE, JJ.

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JAMIE BRUMFIELD, PLAINTIFF-RESPONDENT,

V

ORDER

AMERICAN TRANSIT INSURANCE COMPANY,  
DEFENDANT-APPELLANT.

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DENNIS J. BISCHOF, LLC, WILLIAMSVILLE (DENNIS J. BISCHOF OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

CELLINO & BARNES, P.C., ROCHESTER (GREGORY V. PAJAK OF COUNSEL), FOR  
PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (Harold L. Galloway, J.), entered September 11, 2008 in a breach of contract action. The order denied defendant's motion for summary judgment.

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

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court