

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

1577

CA 08-01863

PRESENT: CENTRA, J.P., PERADOTTO, GREEN, AND PINE, JJ.

CHARLES R. MCLAUGHLIN AND CHERYL MCLAUGHLIN,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

MIDROX INSURANCE COMPANY, DEFENDANT-APPELLANT,
RONALD D. BLODGETT, DAVID J. BLODGETT,
RONALD D. BLODGETT AND DAVID J. BLODGETT,
DOING BUSINESS AS BLODGETT BROTHERS PARTNERSHIPS,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 1.)

TOWNE, RYAN & PARTNERS, PC, ALBANY (AMANDA R. STERN OF COUNSEL), FOR
DEFENDANT-APPELLANT.

MICHAELS & SMOLAK, P.C., AUBURN (MICHAEL G. BERSANI OF COUNSEL), FOR
PLAINTIFFS-RESPONDENTS.

JONES AND SKIVINGTON, GENESEO (PETER K. SKIVINGTON OF COUNSEL), FOR
DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Ontario County
(William F. Kocher, A.J.), entered November 1, 2007 in a personal
injury action. The order, inter alia, denied the cross motion of
defendant Midrox Insurance Company for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs.

Same Memorandum as in *McLaughlin v Midrox Ins. Co.* ([appeal No.
2] ____ AD3d ____ [Feb. 11, 2010]).

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court