

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

1190

CA 11-01105

PRESENT: SCUDDER, P.J., SMITH, SCONIERS, GORSKI, AND MARTOCHE, JJ.

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K.J.D.E. CORP., DOING BUSINESS AS K.J. ELECTRIC,  
AND THE RITA JACOBS TRUST, BY KENNETH JACOBS,  
TRUSTEE, PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

THE HARTFORD FIRE INSURANCE COMPANY,  
DEFENDANT-APPELLANT,  
ET AL., DEFENDANT.  
(APPEAL NO. 2.)

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GOLDBERG SEGALLA LLP, BUFFALO (DANIEL W. GERBER OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

RICHARD P. PLOCHOCKI, SYRACUSE, FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered August 11, 2010. The order, insofar as appealed from, denied those parts of the motion of defendant The Hartford Fire Insurance Company for summary judgment dismissing plaintiffs' fourth and fifth causes of action.

It is hereby ORDERED that the order insofar as appealed from is unanimously reversed on the law without costs, the motion is granted in its entirety and judgment is granted in favor of The Hartford Fire Insurance Company as follows:

It is ADJUDGED and DECLARED that plaintiffs' losses are not covered by the insurance policy at issue.

Same Memorandum as in *K.J.D.E. Corp. v Hartford Fire Ins. Co.* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Nov. 18, 2011]).

Entered: November 18, 2011

Patricia L. Morgan  
Clerk of the Court