

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

**1298**

**CA 11-00926**

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

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LMIII REALTY, LLC, EDWARD JOY COMPANY, AND  
JOY PROCESS MECHANICAL SYSTEMS,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

GEMINI INSURANCE COMPANY, DEFENDANT-APPELLANT,  
ET AL., DEFENDANT.  
(APPEAL NO. 1.)

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COUGHLIN DUFFY LLP, NEW YORK CITY (JUSTIN N. KINNEY OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

SUGARMAN LAW FIRM, LLP, SYRACUSE (TIMOTHY J. PERRY OF COUNSEL), FOR  
PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Onondaga County (John C. Cherundolo, A.J.), entered August 26, 2010. The order denied the motion of defendant Gemini Insurance Company to dismiss and for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Loafin' Tree Rest. v Pardi* [appeal No. 1], 162 AD2d 985).

Entered: December 23, 2011

Frances E. Cafarell  
Clerk of the Court