

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

**965**

**CA 13-02145**

PRESENT: SMITH, J.P., FAHEY, LINDLEY, VALENTINO, AND DEJOSEPH, JJ.

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ANTHONY PAONE, JR., PLAINTIFF-APPELLANT,

V

ORDER

PROGRESSIVE CASUALTY INSURANCE COMPANY,  
DEFENDANT-RESPONDENT.

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ALEXANDER & CATALANO, LLC, ROCHESTER (TIMOTHY R. MANDRONICO OF  
COUNSEL), FOR PLAINTIFF-APPELLANT.

MURA & STORM, PLLC, BUFFALO (SCOTT D. MANCUSO OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Onondaga County  
(Donald A. Greenwood, J.), entered July 17, 2013. The order granted  
defendant's motion to vacate the default judgment entered against  
defendant and granted defendant's motion to dismiss plaintiff's  
complaint in its entirety.

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

Entered: September 26, 2014

Frances E. Cafarell  
Clerk of the Court