

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

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CA 14-01858

PRESENT: SCUDDER, P.J., CARNI, SCONIERS, VALENTINO, AND WHALEN, JJ.

KOVALSKY-CARR ELECTRIC SUPPLY CO., INC.,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

HARTFORD CASUALTY INSURANCE COMPANY AND
EASTCOAST ELECTRIC, LLC, DEFENDANTS-APPELLANTS.
(APPEAL NO. 2.)

ADAMS BELL ADAMS, P.C., ROCHESTER (ANTHONY J. ADAMS, JR., OF COUNSEL),
FOR DEFENDANTS-APPELLANTS.

RELIN, GOLDSTEIN & CRANE LLP, ROCHESTER, D.J. & J.A. CIRANDO, ESQS.,
SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered September 23, 2014. The order, among other things, granted the motion of plaintiff to strike the answer and counterclaims of defendants and denied the cross motion of defendants to consolidate.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by denying in part plaintiff's motion and reinstating the first counterclaim, and as modified the order is affirmed without costs.

Same memorandum as in *Kovalsky-Carr Elec. Supply Co., Inc. v Hartford Cas. Ins. Co.* ([appeal No. 1] ___ AD3d ___ [July 10, 2015]).

Entered: July 10, 2015

Frances E. Cafarell
Clerk of the Court