

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: Engoron Justice

PART 37

Index Number : 157059/2018
DANINO, ALAD
vs
FAIRMONT INSURANCE BROKERS,
Sequence Number : 003
SUMMARY JUDGMENT

INDEX NO.
MOTION DATE
MOTION SEQ. NO.

The following papers, numbered 1 to summary judgment
Notice of Motion/Order to Show Cause - Affidavits - Exhibits
Answering Affidavits - Exhibits
Replying Affidavits

Upon the foregoing papers, it is ordered that this motion is decided as follows:

Defendant Great American E+S Insurance Company's motion for summary judgment is granted as there was no insurance coverage for the property on the date of loss. Defendants' Fairmont Insurance Brokers, LTD, Josh Schachner, and Moishe Mishkowitz's cross motion for summary judgment is denied as premature. Plaintiff is entitled to discovery on its claims for breach of contract and negligence.

Dated: 9/5/19

HON. ARTHUR F. ENGORON J.S.C.

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER

Parties are directed to appear for a preliminary conference on October 8, 2019 at 10:00am.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):