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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 189 SSM 22
Michael Jaglom, et al.,
Respondents,
v.
Insurance Company of Greater New
York,
Appellant.

Submitted by Thomas D. Hughes, for appellant.
Submitted by Michael D. Brown, for respondents.

MEMORANDUM:

The order of the Appellate Division should be affirmed, with costs, and the certified question answered in the affirmative. Questions of fact exist whether plaintiffs had a reasonable good-faith belief that the tenants in an underlying libel action against them would not seek to hold them liable, precluding dismissal of their action against the insurer (see Argentina v Otsego Mut. Fire Ins. Co., 86 NY2d 748, 750 [1995]).

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided September 15, 2009