

248 A.D.2d 297, 670 N.Y.S.2d 89, 1998 N.Y. Slip Op. 02839

Supreme Court, Appellate Division,
First Department, New York.
Philip JAFFE, Plaintiff-Appellant,

v.

Paul COHEN, D.D.S., et al., Defendants-Respondents.
March 26, 1998.

George Bassias, for plaintiff-appellant.

Wolfgang Heimerl, Susan G. Fillichio, for defendants-respondents.

***297** Orders, Supreme Court, New York County (Harold Tompkins, J.), entered March 25 and July 24, 1997, which, *inter alia*, denied plaintiff's motion for injunctive relief and granted defendants insurers' motion for summary judgment dismissing the complaint as against them, unanimously affirmed, with costs.

We agree with the IAS court that the insurance defendants owed no duty to plaintiff to monitor claims made by the dental defendants, his former associates, and we would add that even if there were such a duty, no facts are alleged showing how that duty was breached. We also agree with the IAS court that many of plaintiffs' claims are in any event preempted by ERISA (29 U.S.C. § 1144[a]; see, *Pilot Life Ins. Co. v. Dedeaux*, 481 U.S. 41, 44-45, 47-48, 107 S.Ct. 1549, 1551-1552, 1552-1553, 95 L.Ed.2d 39; *Matter of Morgan Guar. Trust Co. v. Tax Appeals Tribunal*, 80 N.Y.2d 44, 48, 587 N.Y.S.2d 252, 599 N.E.2d 656). We have considered plaintiff's remaining arguments and find them to be without merit.

ELLERIN, J.P., and WALLACH, RUBIN, ANDRIAS and SAXE, JJ., concur.

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