

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. KENNETH A. DAVIS,

Justice

TRIAL/IAS, PART 7
NASSAU COUNTY

In the Matter of the Application of STATE
FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Petitioner,

SUBMISSION DATE: 10/26/05
INDEX No.: 10021/05

-against-

KAREN SEIDLER, SRS DALLAS-AOL and ELRAC, INC.,

MOTION SEQUENCE #1

Respondent.

The following papers read on this motion:

Notice of Motion/ Order to Show Cause..... X
Answering Papers..... X
Reply.....
Briefs: Plaintiff's/Petitioner's.....
Defendant's/Respondent's.....

Application for an order CPLR § 7503[c] staying an "uninsured motorist" arbitration is decided as follows.

A hearing is required on the issue of the validity of an uninsured motorist claim and the right to proceed to arbitration. The demanded arbitration is stayed pending resolution of the issues raised.

Subject to the discretion of the Justice there presiding this matter shall appear on the calender of

CALENDAR CONTROL PART FOR **DECEMBER 22, 2005**

Petitioner shall serve and file a Note of Issue no later than sixty (60) days after entry of this order in default of which the action shall be deemed abandoned (see CPLR § 3216). The Note of Issue shall be accompanied by a copy of this order and proof that jurisdiction has been obtained over all necessary parties and a statement that a copy of such order has been mailed to all parties to the original petition within fifteen (15) days after entry.

This decision constitutes the order of the court.

Dated: _____

OCT 26 2005

ENTERED

OCT 31 2005

HON. KENNETH A. DAVIS

J.S.C.

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**