

SHORT FORM ORDER

Present: SUPREME COURT - STATE OF NEW YORK

HON. JOSEPH A. DE MARO

Justice

AIU INSURANCE COMPANY,

TRIAL/IAS, PART 9
NASSAU COUNTY

Plaintiff,

MOTION DATE:
May 6, 2002
INDEX No. 15836/01

-against-

SEQUENCE No. 2

ANTON FREDERICKS, ROY FRITNER, JAY GOODMAN,
ROBYN GOODMAN, DERRICK FIKES, JAMES CREDLE
and KENDRA O'NEIL,

Defendants.

The following papers read on this motion:

Notice of Motion and Supporting Papers

This is an application by plaintiff for an order granting declaratory judgment against defendants based upon defendants' defaults in appearing, answering or moving with respect to plaintiff's complaint. Plaintiff's prior application for this relief was denied upon procedural grounds.

The papers appear to be in order; the motion is unopposed and plaintiff is granted a default based upon defendants' failure to appear and answer. Based upon the materials submitted the Court

declares and orders that plaintiff AIU Insurance Company has no duty to defend and indemnify Anton Fredericks and Roy Fritner under policy number PBI-0100-7915-9-A with respect to the lawsuit pending in Supreme Court; Kings County, Index Number 12649/01.

This constitutes the Order and Judgment of the Court.



J.S.C.

Dated: May 7, 2002

ENTERED

MAY 10 2002

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**