

**SHORT FORM ORDER**  
**SUPREME COURT - STATE OF NEW YORK**  
**Present: HON. JOHN P. DUNNE, Justice**

SCAN  
ENTERED  
IN  
COMPUTER

TRIAL/IAS, PART 8

**In the Matter of the Application for  
an Order staying arbitration between  
UNITED SERVICES AUTOMOBILE  
ASSOCIATION PROPERTY and  
CASUALTY INSURANCE CO.**

Petitioner(s)

Index No. 5120/05

Motion Seq. No. 1

Motion submission: 5/12/05

Petition to stay arbitration

-against-

**MATTHEW SKULAVIK**

Respondent

-and-

**UNITED SERVICES AUTOMOBILE  
ASSOCIATION PROPERTY and  
CASUALTY INSURANCE COMPANY and  
CHRISTOPHER CALIFANO**

Additional Proposed Respondents

The following papers read on this motion:

- Notice of Petition..... x
- Answering Affidavits.....
- Reply.....

Upon the foregoing papers, it is hereby ordered that the Petitioner's application for an Order staying arbitration is **granted** without opposition. The Petitioner is directed to serve a copy of this Order upon the additional Respondents.

The proposed additional Respondents are hereby joined in the action. The matter is set down for a hearing to determine whether an "accident" occurred. The Petitioner is directed to serve a copy of this Order, along with a Note of Issue, upon the Clerk of the Calendar Control Part, who will schedule said hearing.

It is alleged that the Respondent, while in the course of his duties as a Suffolk County Police Officer and while operating a police vehicle, was involved in a motor vehicle collision with another vehicle operated by Califano, (the additional Respondent). USAA insures both Respondents but under separate insurance policies.

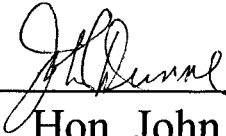
USAA has denied coverage to Califano for the incident on the grounds it did not arise out of an accident but rather intentional action, (during flight from the police.) Califano is alleged to have

intentionally rammed his vehicle into the Respondent's police car.

In the event there is a determination that the incident is an "accident", all sides are to appear before this Court for a Preliminary Conference to set a discovery schedule. Respondent is directed to notice the Court and all sides for a Preliminary Conference within 30 days after said determination.

It is so Ordered.

Dated: May 31, 2005

  
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Hon. John P. Dunne

**ENTERED**  
JUN 07 2005  
NASSAU COUNTY  
COUNTY CLERK'S OFFICE