

**SHORT FORM ORDER**

**SUPREME COURT - STATE OF NEW YORK  
COUNTY OF NASSAU - PART 25**

**Present: HON. WILLIAM R. LaMARCA  
Justice**

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

**Motion Sequence # 001  
Submitted November 17, 2005**

**Petitioner,**

**-against-**

**INDEX NO: 15092/05**

**MARIA ARANCIBIA, AUTOONE INSURANCE  
COMPANY and SAINTILMA SEIDE,**

**Respondents.**

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**The following papers were read on this motion:**

**Notice of Petition and Petition.....1**

Petitioner, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (hereinafter referred to as "STATE FARM"), moves, *inter alia*, for an order, pursuant to CPLR Article 75, temporarily staying arbitration of an alleged uninsured vehicle claim. An Affidavit of Service reflects that the named respondents were duly served on October 27, 2005 but no papers are submitted in opposition to the petition, which is determined as follows:

MARIA ARANCIBIA has demanded arbitration based upon an uninsured motorist claim on her behalf by reason of her being the driver of a 1991 Geo car insured by STATE

FARM, involved in an accident on October 28, 2002 in the vicinity of Prospect Avenue and Garden Street, New Cassel, New York. The petitioner states that the accident allegedly took place between the car operated by ARANCIBIA and a 1996 Nissan owned and operated by Respondent, SANTILMA SEIDE (hereinafter referred to as "SEIDE"). It is alleged that, at the time of the accident, the SEIDE automobile was insured by AUTOONE INSURANCE COMPANY (hereinafter referred to as "AUTOONE"), which insured the vehicle from January 20, 2002 until it was canceled on May 14, 2003, more than six (6) months after the date of the accident. STATE FARM annexes a copy of the insurance activity expansion for the SEIDE vehicle in support of its application. It is STATE FARM's position that a framed issue hearing is necessary to determine whether insurance for the SEIDE vehicle exists or whether there is a right to arbitration.

After a careful reading of the submission herein, and there being no opposition, it is the judgment of the Court that a hearing is required on the issue of whether there is a right to proceed to arbitration or whether there is insurance coverage for the SEIDE automobile with AUTOONE or any other company. Accordingly, it is hereby

**ORDERED**, that STATE FARM's petition for a temporary stay of the demanded arbitration is granted pending resolution of the issues raised herein; and it is further

**ORDERED**, that subject to the discretion of the Justice there presiding, this matter shall appear on the calendar of Calendar Control Part on March 22, 2006 at 9:30 A.M., for assignment to a framed issue hearing. All carriers claimed to have provided offending vehicle coverage and their insureds shall respond to the petition within twenty (20) days after entry. The response shall include copies of all documentation and affidavits relied

upon in support of any claim of non-coverage; and it is further

**ORDERED**, that petitioner shall serve and file a Note of Issue no later than sixty (60) days after entry of this order. A copy of this order shall accompany the Note of Issue when filed, together with proof that a copy of the order has been mailed to all parties to the original petition within fifteen (15) days after entry. A copy of this order shall be served on the Clerk of the Calendar Control Part within twenty (20) days after entry; and it is further

**ORDERED**, if there is a valid uninsured motorist claim, MARIA ARANCIBIA shall submit to the requested discovery.

All further requested relief not specifically granted is denied.

This constitutes the decision and order of the Court.

Dated: December 19, 2005

  
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WILLIAM R. LaMARCA, J.S.C.

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**ENTERED**

**DEC 22 2005**

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**