

SCW

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. ROY S. MAHON

Justice

In the Matter of the Application for an Order Staying Arbitration Between TRAVELERS INDEMNITY COMPANY sued herein as, TRAVELERS INSURANCE COMPANY,

TRIAL/IAS PART 19

Petitioner(s),

INDEX NO. 14372/02

- against -

MOTION SEQUENCE NO. 1

IGOR KOLESOV and ANNA KOLESOVA,

Respondent(s)

MOTION SUBMISSION DATE: February 10, 2003

- and -

SPEEDY RENT A CAR, CHAIM WOLF, JUH WAN KWAK, USAA EMPLOYEES INSURANCE COMPANY OF WAUSAU, LEONIDO MONTESINO, JUAN VALDEZ, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, NATIONAL UNION FIRE INSURANCE COMPANY, LANCER INSURANCE COMPANY, VICTORIA NATIONAL INSURANCE COMPANY, JOHN A. MINICUCCI AND MARY CARR,

Proposed Additional Respondents).

The following papers read on this motion:

Notice of Petition

X

Affirmation in Opposition

XXX

Application for an order CPLR §7503[c] staying an "uninsured motorist" arbitration is disposed of as indicated.

A hearing is required on the issue of offending vehicle coverage 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 calendar of

CALENDAR CONTROL PART FOR MAY 7, 2003

All carriers claimed to have provided offending vehicle coverage, and their insureds and the proposed Respondent, Lonnie P. Humphrey are hereby added as necessary parties (see CPLR 1001) provided petitioner obtains jurisdiction over such parties pursuant to CPLR Art. 3 by service of a copy of this Order and all papers upon which it is based within 20 days after entry. A failure to add such parties may result in a dismissal for the failure to add a necessary party (see CPLR §1003).

There shall be a response to the petition by added respondents. Such response shall be served no later than 20 days after jurisdiction has been obtained. The response by purported insurers shall include copies of all documentation and affidavits relied upon in support of the claims of non-coverage.

Petitioner shall serve and file a Note of Issue no later than 90 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 15 days after entry.

SO ORDERED.

DATED: 4/2/2003


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J.S.C.

ENTERED

APR 11 2003

NASSAU COUNTY
COUNTY CLERK'S OFFICE