

SHORT FORM ORDER

SCM

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

Present:

**HON. DANIEL PALMIERI
Acting Justice Supreme Court**

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**In the Matter of Application of
NATIONWIDE MUTUAL INSURANCE COMPANY,**

TRIAL TERM PART: 47

Petitioner,

INDEX NO.:017267/09

**For a Judgment Staying the Arbitraiton
commenced by SHARON WORLEY**

**MOTION DATE:9-30-09
SUBMIT DATE:10-13-09
SEQ. NUMBER - 001**

Respondent.

-and-

**ERIKA L. CRUZ, JOSE S. CRUZ, ALLSTATE
INSURANCE COMPANY, BRIANNE M.
MARTUELLA, GEICO INDEMNITY COMPANY,**

Proposed Additional Respondents.

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The following papers have been read on this motion:

- Notice of Petition, dated 8-24-09.....1**
- Nationwide Policy, certified 9-2-09.....2**
- Affirmation in Opposition, dated 9-15-09.....3**
- Reply Affirmation, dated 10-12-09.....4**

Petition to stay arbitration is granted - submit judgment.

Respondent Worley, driver of a vehicle owned by another and insured by petitioner,
was in an accident on the Southern State Parkway with proposed additional respondents
Erika Cruz, Jose S. Cruz, whose vehicle was insured by proposed additional respondent

Allstate Insurance Company and proposed additional respondent Marturella whose vehicle was insured by proposed additional respondent GEICO.

Respondent was the lead car in a four vehicle accident on the Southern State Parkway. Proposed additional respondents were in the two vehicles behind her. Allegedly there was a fourth vehicle who started the chain reaction and fled the scene.

There is no disputing that the individual proposed additional respondents were insured and respondent has not opposed this motion. GEICO, as insurer of Marturella does not dispute coverage but contends that its insured bears no responsibility because he/she was struck in the rear. The sole issue before this court is whether there is coverage, not liability and since coverage is not disputed and the request for a stay is not opposed, the petition is granted.

This shall constitute the Decision and Order of this Court.

ENTER

DATED: October 20, 2009



HON. DANIEL PALMIERI
Acting Supreme Court Justice

ENTERED

**TO: Epstein, Frankini & Grammatico, Esqs.
By: Lee-Ann R. Trupia, Esq.
Attorneys for Petitioner
45 Crossways Park Drive, Ste. 102
Woodbury, NY 11797**

OCT 22 2009

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**

**Kaston, Aberle Levine & Wiss, LLP
Attorneys for Respondent Sharon Worley
259 Mineola Blvd.
Mineola, NY 11501**

Erika L. Cruz
Proposed Additional Respondent
110 prairie Lane
Levittown, NY 11756

Jose S. Cruz
Proposed Additional Respondent
110 Prairie Lane
Levittown, NY 11756

Allstate Insurance Company
Proposed additional Respondent (Ins. Carrier Cruz)
Buffalo MCO (2310)
P.O. Box 1064
Attn: Robert A. Dzimian
Claim: 01388113597
Pol No. 000903345157

Brianne M. Marturella
Proposed Additional Respondent
80 Fairview Avenue
East Meadow, NY 11554

GEICO Indemnity Company
Proposed additional respondent (Ins. Carrier Marturella)
750 Woodbury Road
Woodbury, NY 11797
Attn: Joseph Leopold
Claim No. 0269008320101016
Pol No. 402599071

American Arbitration Association
666 Old Country Road
Garden City, NY 11530