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SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK - COUNTY OF NASSAU

PRESENT: HON. ANTHONY L. PARGA, J.S.C.

**LEONARD N. ELSNER and DORIS ELSNER,**

Plaintiffs,

- against -

**WALDBAUM'S SUPERMARKET, INC.,**

Defendant.

**Sequence #002**  
Motion Date: 3/21/03  
**Index # 17084/01**  
(Action No. 1)

**LEONARD ELSNER and DORIS ELSNER,**

Plaintiffs,

-against-

**SP MASSAPEQUA, LLC, PHILIPS  
INTERNATIONAL HOLDINGCORP.  
and OMNI DEVELOPMENT AND  
MARKETING, LTD.,**

Defendants.

**Index No. 13121/02**  
(Action No. 2)

**SP MASSAPEQUA, LLC, PHILIPS  
INTERNATIONAL HOLDINGCORP.,**

**Third-Party Plaintiffs,**

-against-

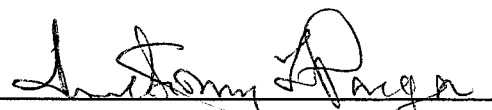
**SUFFOLK ROOFING CO., INC.,**

Third-Party Defendant.

Order to Show Cause, Affs. & Exs. .... 1

Upon the foregoing papers, the motion by third-party defendant Suffolk Roofing Co., Inc. in Action No. 2 for an order severing the third party action is denied. The movant may renew its application before the Justice presiding in the Calendar Control Part on April 30, 2003, the date jury selection is scheduled to take place in this case.

Dated: April 15, 2003.

  
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Anthony L. Parga, J.S.C.

**ENTERED**

APR 18 2003

NASSAU COUNTY  
COUNTY CLERK'S OFFICE