

**SHORT FORM ORDER**

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

**PRESENT:**

**HON. IRA B. WARSHAWSKY,  
Justice.**

**TRIAL/IAS PART 8**

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QBE INSURANCE CORPORATION,

Plaintiff,

INDEX NO.: 601695/2009  
MOTION DATE: 09/17/2010  
MOTION SEQUENCE: 022

-against-

ADJO CONTRACTING CORPORATION,  
TRAVELERS INDEMNITY COMPANY,  
ARCHSTONE f/k/a ARCHSTONE-SMITH  
OPERATING TRUST, TISHMAN SPEYER  
ARCHSTONE-SMITH WESTBURY, L.P.  
f/k/a ASN ROOSEVELT CENTER, LLC, ASN  
ROOSEVELT CENTER, LLC d/b/a ARCHSTONE  
WESTBURY, ARCHSTONE-SMITH TRUST,  
ARCHSTONE-SMITH OPERATING TRUST,  
ARCHSTONE-SMITH COMMUNITIES, LLC  
ARCHSTONE-SMITH, INC., LEHMAN  
BROTHERS HOLDINGS, INC., TISHMAN  
SPEYER PROPERTIES, LP, TOCCI  
BUILDING CORPORATION OF NEW JERSEY,  
INC., LIBERTY MUTUAL INSURANCE  
COMPANY, PERKINS EASTMAN ARCHITECTS,  
INC., ELDORADO STONE, LLC, AMERICAN  
ENGINEERING SERVICES, P.C., APRO  
CONSTRUCTION GROUP, ATLAS COMFORT  
SYSTEMS, USA L.P., d/b/a ATLAS AIR  
CONDITIONING, BUILDERS HARDWARE,  
CLEM'S ORNAMENTAL IRON WORKS,  
DA VINCI CONSTRUCTION OF NASSAU,  
INC., d/b/a DA VINCI CONSTRUCTION,  
FOUR SEASONS INSULATION CORP.,  
HAVANA CONSTRUCTION CORP., HOUSTON  
STAFFORD ELECTRICAL CONTRACTORS,

L.P., d/b/a HOUSTON STAFFORD ELECTRIC,  
KLEET LUMBER COMPANY, KNIGHT  
WATERPROOFING COMPANY, INC., MANNING  
PLUMBING AND HEATING CORP., METRO  
PAINTING, M.1. CONCRETE CORP., MID-ATLANTIC  
STONE, INC., PATTI ROOFING, LLC, SIDNEY B.  
BOWNE & SON, LLP, SIPALA LANDSCAPE  
SERVICES, INC., STATE FIRE SUPPRESSION, INC.,  
SUPERSEAL MANUFACTURING CO., THREE B'S  
PLUMBING HEATING AND AIR CONDITIONING  
CORP., UNIVERSAL FOREST PRODUCTS and  
JOHN DIGIOVANNA, RICHARDO FRANCOIS, TRENT  
HUNTER, PASQUALE MARCHESE, ANDREA  
SORRENTINO, JESSICA VENTIMIGLIA, individually,  
and on behalf of themselves and all other persons similarly  
situated,

Defendants.

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THE TRAVELERS INDEMNITY COMPANY,

Third-Party Plaintiff,

- against -

ACE AMERICAN INSURANCE COMPANY, AMERICAN  
EUROPEAN INSURANCE COMPANY f/k/a MERCHANTS  
INSURANCE COMPANY OF NEW HAMPSHIRE, INC.,  
AMERICAN STATES INSURANCE COMPANY,  
CONTINENTAL CASUALTY COMPANY, DELOS  
INSURANCE COMPANY f/k/a SIRIUS AMERICA  
INSURANCE COMPANY, ERIE INSURANCE EXCHANGE,  
EVEREST INDEMNITY INSURANCE COMPANY, FARM  
FAMILY CASUALTY INSURANCE COMPANY,  
INTERSTATE FIRE AND CASUALTY COMPANY,  
LIBERTY MUTUAL FIRE INSURANCE COMPANY,  
MERCHANTS MUTUAL INSURANCE COMPANY,  
NAVIGATORS SPECIALTY INSURANCE COMPANY  
f/k/a NIC INSURANCE COMPANY, OHIO CASUALTY  
INSURANCE COMPANY, PENNSYLVANIA NATIONAL  
MUTUAL CASUALTY INSURANCE COMPANY,  
SCOTTSDALE INSURANCE COMPANY,

Third-Party Defendants.

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ARCHSTONE f/k/a ARCHSTONE-SMITH OPERATING TRUST, ARCHSTONE WESTBURY, LP, f/k/a TISHMAN SPEYER ARCHSTONE-SMITH WESTBURY, L.P., f/k/a ASN ROOSEVELT CENTER, LLC, ARCHSTONE MULTIFAMILY SERIES I TRUST, f/k/a ARCHSTONE-SMITH TRUST, ARCHSTONE COMMUNITIES, LLC, f/k/a ARCHSTONE-SMITH COMMUNITIES, LLC and TISHMAN SPEYER PROPERTIES, LP,

Second Third-Party Plaintiffs,

- against -

ACE AMERICAN INSURANCE COMPANY, AMERICAN EUROPEAN INSURANCE COMPANY, f/k/a MERCHANTS INSURANCE COMPANY OF NEW HAMPSHIRE, INC., AMERICAN STATES INSURANCE COMPANY, ATLANTIC CASUALTY INSURANCE COMPANY, CONTINENTAL CASUALTY CO., DELOS INSURANCE COMPANY, f/k/a SIRIUS AMERICA INSURANCE COMPANY, DISCOVER PROPERTY & CASUALTY INSURANCE COMPANY, ERIE INSURANCE EXCHANGE, EVEREST INDEMNITY INSURANCE COMPANY, FARM FAMILY CASUALTY INSURANCE COMPANY, FEDERATED MUTUAL INSURANCE COMPANY, HARTFORD FIRE INSURANCE COMPANY, INTERSTATE FIRE AND CASUALTY COMPANY, LIBERTY MUTUAL FIRE INSURANCE COMPANY, MERCHANTS MUTUAL INSURANCE COMPANY, NAVIGATORS SPECIALTY INSURANCE COMPANY, f/k/a NIC INSURANCE COMPANY, OHIO CASUALTY INSURANCE COMPANY, PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, SCOTTSDALE INSURANCE COMPANY, ZURICH AMERICAN INSURANCE COMPANY,

Second Third-Party Defendants.

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CONSOLIDATED FOR DISCOVERY WITH ACTION BEARING NASSAU COUNTY INDEX NO. 001018/2008.

The following papers read on this motion:

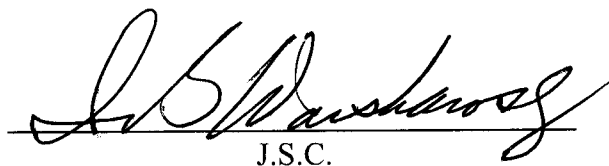
Notice of Motion .....	1
Affirmation of Michael S. Komar, Esq. in Support & Exhibits Annexed .....	2
[Proposed] Order Admitting Wayne S. Karbal and Alan M. Posner <i>Pro Hac Vice</i> .....	3

This motion by Michael S. Komar, Esq. to permit Wayne S. Karbal Esq. and Alan M. Posner, Esq. to appear in the above captioned action pro hac vice is granted, and it is

**ORDERED**, that Wayne S. Karbal, Esq. and Alan M. Posner, Esq. be permitted to appear pro hac vice in the above captioned matter on behalf of third-party Defendant Hartford Fire Insurance Company. Pursuant to 22 NYCRR 520.11 and 602.2, Wayne S. Karbal, Esq. and Alan M. Posner, Esq. shall abide by all rules governing the courts of the State of New York, including the Rules of the Court governing the conduct of attorneys and the jurisdiction of the courts of the State of New York with respect to any acts occurring during the course of their participation in this matter.

Michael S. Komar, Esq., a partner of Menz Bonner & Komar, LLP, or other attorneys at said firm, admitted to practice in New York, shall have all pleadings, briefs, and other papers filed with the court signed by attorneys of record authorized to practice in New York, who shall be responsible for such papers and for the conduct of this action.

Dated: September 20, 2010

  
J.S.C.

**ENTERED**

SEP 23 2010

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**