

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

LOUIS B. YORK
J.S.C.

Index Number : 110629/2008

PART 2

MOSLEY, SR. SHANE D.

vs

CONTE, VICTOR

Sequence Number : 001

SUMMARY JUDGMENT

INDEX NO. _____

MOTION DATE _____

MOTION SEQ. NO. _____

MOTION CAL. NO. _____

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED

Cross-Motion: Yes No

Upon the foregoing papers, It is ordered that this motion

for summary judgment is denied and the cross-motion for summary judgment is granted in this defamation action. The cross-motion alleges that there is a contract that defendant agrees to give exchange in discovery that has a forum selection clause that would require this litigation to take place in California. ~~that~~ therefore, this motion ~~to~~ for summary judgment is denied and the cross-motion is granted. Once discovery is completed, the motion may be renewed.

Dated: 6/3/09

LY

LOUIS B. YORK J.S.C.

FILED

JUN 08 2009
COUNTY CLERK'S OFFICE
NEW YORK

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):