

SCAN

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. JOHN W. BURKE

Justice

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DLC COMMERCIAL CORP.,

Plaintiff,

-against-

OSCAR GRUSS & SON, INC., MICHAEL RAPP,  
RAPCO HOLDING COMPANY, LLC and RAPCO,  
LLC,

Defendants.  
-----X

TRIAL/I.A.S. PART 3  
NASSAU COUNTY

INDEX NO. 14506/01  
X X X

MOTION DATE: 4/26/02  
MOTION NO.: 001

Notice of Motion, Affs. & Exs.....	<u>1</u>
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Upon the foregoing papers, it is ordered that this motion by defendant Oscar Gruss & Son, Inc., pursuant CPLR §§501 and 510 to change the place of trial from Nassau County to New York County is disposed of as hereinafter provided.

Plaintiff seeks recovery of sums due it on five equipment leases between plaintiff and Oscar Gruss & Son, Inc. Pursuant to paragraph 16 of each of the leases the parties agreed that any litigation between the parties is to take place only in the United States District Court for the Southern District of New York or in the Supreme Court of the State of New York located in New York City.

The motion is granted. The action shall be transferred by the Nassau County Clerk to the New York County Clerk upon receipt of a copy of this order and the payment of the appropriate fees, if any.

Defendant Oscar Gruss & Son, Inc. shall serve a copy of this order upon the attorneys for all other parties, the Nassau County Clerk, the Calendar Clerk of the Nassau County Supreme Court and the New York County Clerk within 10 days of the date hereof.

Dated: JUL 03 2002

**ENTERED**

*[Signature]*  
J. S. C.

JUL 05 2002

NASSAU COUNTY  
COUNTY CLERK'S OFFICE