

At an I.A.S. Trial Term, Part <sup>cont'd</sup> of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 1 day of Aug 2018

P R E S E N T :

Hon. Lawrence Knipel

Justice

Cingular Pharmacy, Inc.

Plaintiff(s)

Cal. No.

Index No. 500979/13

- against -

Coney Mermaid L.L.C.

Defendant(s)

ORDER

The following papers numbered 1 to read on this motion	Papers Numbered
Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed	
Answering Affidavit (Affirmation)	
Reply Affidavit (Affirmation)	
_____ Affidavit (Affirmation)	
Pleadings - Exhibits	
Stipulations - Minutes	
Filed Papers	

✓  
V.R.P.

On the court's own motion, the short form order of this court dated July 20, 2018, which granted the motion of defendant Brian Wertling for summary judgment dismissing the complaint insofar as asserted against him, is hereby amended to add the following: The action is hereby severed and may continue against the other defendants.

For Clerks use only

MG \_\_\_\_\_

MD \_\_\_\_\_

Motion Seq. # \_\_\_\_\_

EJV-rev 11-04

E N T E R

J.S.C.

Justice Lawrence Knipel

2018 AUG -3 AM 7:29  
KINGS COUNTY CLERK  
FILED

At an I.A.S. Trial Term, Part of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 20 day of July 2018

P R E S E N T :  
Hon. Knipel Justice

Cingular  
Plaintiff(s)

Cal. No.  
Index No.

- against -

500979/13

Conex Mermaid  
Defendant(s)

The following papers numbered 1 to read on this motion	Papers Numbered
Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed	<u>1</u>
Answering Affidavit (Affirmation)	<u>2</u>
Reply Affidavit (Affirmation)	<u>3</u>
_____ Affidavit (Affirmation)	<u>  </u>
Pleadings - Exhibits	<u>  </u>
Stipulations - Minutes	<u>  </u>
Filed Papers	<u>  </u>

Alleged oral representations about the premises being in a flood zone are insufficient ~~to~~ basis for this litigation as:

(1) lease explicitly excludes oral representations.

(2) whether property (very near beach) was in flood zone is a matter of public record - equally available to all.

Accordingly - mtngtd. [Signature]  
Wectling [Signature] J.S.C.  
ST.

For Clerks use only  
 MG   
 MD   
 Motion Seq. # 9

HON. LAWRENCE KNIPEL