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March 5, 2024

**VIA EMAIL AND NYSCEF**

Matthew Park, Esq.  
The Early Law Firm, LLC  
360 Lexington Avenue, 20<sup>th</sup> Floor  
New York, NY 10017

**Re: *Dennis Kilkenny and Patricia Kilkenny v. AII Acquisition, LLC, et al.***  
**County of New York - Index No.: 190011/2024**

Dear Mr. Park:

This office represents BW/IP, Inc. and Its Wholly-Owned Subsidiaries (incorrectly named as “BW/IP INTERNATIONAL COMPANY” and “BW/IP INTERNATIONAL CORPORATION (formerly BORG WARNER INDUSTRIAL PRODUCTS) ind. and as suc. to SUCCESSOR IN INTEREST TO BYRON JACKSON PUMPS”) (“BW/IP”) in the above-referenced matter. Based on a review of all discovery served in this matter, and all depositions, there has been no product identification of BW/IP in this action. In accordance with the Case Management Order, kindly sign and return the enclosed Unopposed Summary Judgment Motion and Order for filing with the Court.

Alternatively, if you do not choose to execute this Unopposed Summary Judgment Motion and Order, please provide us in writing your basis for continuing litigation against our client.

Thank you for your anticipated prompt attention to this matter. Feel free to call me if you have any questions.

Very truly yours,

SEGAL MCCAMBRIDGE SINGER & MAHONEY, LTD.

/s/Helene Solomon

Helene Solomon

Encl.

cc: Defense Counsel via NYSCEF

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

NYCAL  
I.A.S. Part 13

-----X  
IN RE: NEW YORK CITY  
ASBESTOS LITIGATION

Index No.: 190011/2024

-----X  
DENNIS KILKENNY and PATRICIA KILKENNY,

**UNOPPOSED  
SUMMARY  
JUDGMENT MOTION  
AND ORDER**

*Plaintiffs,*

- against -

AII ACQUISITION, LLC, F/K/A AII ACQUISITION  
CORP., F/K/A ATHLONE INDUSTRIES, INC., F/K/A  
HOLLAND FURNACE COMPANY, et al.,

*Defendants.*

-----X  
**WHEREFORE**, defendant BW/IP, Inc. and Its Wholly-Owned Subsidiaries (incorrectly  
named as “BW/IP INTERNATIONAL COMPANY” and “BW/IP INTERNATIONAL  
CORPORATION (formerly BORG WARNER INDUSTRIAL PRODUCTS) ind. and as suc. to  
SUCCESSOR IN INTEREST TO BYRON JACKSON PUMPS”) (“BW/IP”) requests summary  
judgment in the above-entitled action, pursuant to Civil Practice Law and Rules § 3212, dismissing  
the complaint and cross-claims against BW/IP with prejudice, and after notice to all co-defendants  
there is no opposition, it is

**ORDERED** that all claims and cross-claims against defendant BW/IP are dismissed with  
prejudice and without costs.

Dated: New York, NY

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Matthew Park, Esq.  
**THE EARLY FIRM, LLC**  
*Attorneys for Plaintiffs*  
360 Lexington Avenue, 20<sup>th</sup> Floor  
New York, NY 10017

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Andrew J. Wells, Esq.  
**SEGAL McCAMBRIDGE SINGER &  
MAHONEY, LTD.**  
*Attorneys for Defendant BW/IP, Inc. and its  
Wholly-Owned Subsidiaries*  
777 Third Avenue, Suite 2400  
New York, NY 10017