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March 5, 2024

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

Re: New York City Asbestos Litigation  
Plaintiffs: Dennis Kilkenny and Patricia Kilkenny  
Index No.: 190011/2024

Dear Mr. Park:

Enclosed please find Unopposed Summary Judgment Motion and Order forwarded on behalf of our client **FLOWSERVE CORPORATION F/K/A THE DURIRON COMPANY, INC.** Our client has not been identified in any way during the discovery process. We ask that you kindly execute the enclosed documents and return one original to the undersigned.

Thank you for your kind attention to this matter.

Very truly yours,  
MCGIVNEY, KLUGER, CLARK & INTOCCIA, P.C.

*Keith M. O'Connor*

BY: \_\_\_\_\_  
Keith M. O'Connor, Esq.

KMO/csp  
Enclosure

*cc: All Known Defense Counsel via NYSCEF and via email*

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

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| IN RE: NEW YORK CITY<br>ASBESTOS LITIGATION  | NYCAL<br>I.A.S. Part 13<br>(Silvera, A.)  |
| DENNIS KILKENNY AND PATRICIA KILKENNY,<br>Plaintiffs,<br><br>-against-<br><br>AII ACQUISITION, LLC, F/K/A AII<br>ACQUISITION CORP.,<br>F/K/A ATHLONE INDUSTRIES, INC., F/K/A<br>HOLLAND FURNACE COMPANY, et al.<br>Defendants, | Index No.: 190011/2024<br><br>UNOPPOSED SUMMARY<br>JUDGMENT MOTION AND<br>ORDER |

WHEREFORE, defendant, **FLOWSERVE CORPORATION F/K/A THE DURIRON COMPANY, INC.** improperly pled as **FLOWSERVE US, INC. ind. and as suc. to EDWARD VALVES, INC., ROCKWELL MANUFACTURING INC., GESTRA INC., ALDRICH PUMPS, DURCO PUMPS, CAMERON PUMPS, VOGT VALVES NORDSTROM VALVES, AND WILSION-SYNDER CENTRIGUGAL PUMPS (hereinafter known as “FLOWSERVE CORPORATION F/K/A THE DURIRON COMPANY, INC.”)**, requests summary judgment in the above-entitled action, pursuant to Civil Practice Law and Rules § 3212, dismissing the complaint and cross-claims against **FLOWSERVE CORPORATION F/K/A THE DURIRON COMPANY, INC.**, with prejudice, and after notice to all co-defendants there is no opposition, it is

ORDERED that all claims and cross claims against defendant **FLOWSERVE CORPORATION F/K/A THE DURIRON COMPANY, INC.**, are dismissed with prejudice and without costs.

Dated: New York, New York  
\_\_\_\_\_, 2024

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| _____<br>Matthew Park, Esq.<br><b>THE EARLY LAW FIRM, LLC</b><br>360 Lexington Avenue, 20 <sup>th</sup> Floor<br>New York, NY 10017<br>Attorneys for Plaintiff(s)<br>Tel: (212) 986-2233 | <i>Keith M. O'Connor</i><br>_____<br>Keith M. O'Connor, Esq.<br>Attorney for Defendant<br><b>FLOWSERVE CORPORATION F/K/A THE DURIRON COMPANY, INC.</b><br><b>MCGIVNEY KLUGER CLARK &amp; INTOCCIA, P.C.</b><br>33 Whitehall Street, 16 <sup>th</sup> Floor<br>New York, New York 10004<br>(212) 509-3456 |
|--|--|

SO ORDERED, \_\_\_\_\_  
Hon. Adam Silvera

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on the 5<sup>th</sup> day of March, 2024, a copy of the foregoing Proposed Unopposed Summary Judgment Motion and Order of **FLOWSERVE CORPORATION F/K/A THE DURIRON COMPANY, INC.**, was filed electronically this day and is available for viewing from the Court's ECF system. Notice of this filing will be sent to all counsel of record via the Court's ECF system.

*Cassandra Peterson*

Cassandra Peterson