

175 Pinelawn Road • Suite 250 • Melville, NY 11747

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March 6, 2024

Matthew Park
The Early Law Firm, LLC
360 Lexington Avenue, 20th Floor
New York, NY 10017

Re:

DENNIS KILKENNY AND PATRICIA KILKENNY vs.

Morse TEC LLC

INDEX # 190011/2024 - October 2024

Dear Matt:

We hereby provide notice of the lack of product identification as against the above referenced defendant.

We have reviewed the discovery provided to date and believe that this plaintiff has not identified exposure to any asbestos-containing product manufactured, sold, distributed or otherwise furnished by the above referenced defendant. Accordingly enclosed please find an Unopposed Summary Judgment Motion. Kindly execute and return to the undersigned at your earliest convenience. If you decline, please advise us as to the basis of plaintiff's claims against our client.

We appreciate your prompt attention to this matter. Should you have any questions please feel free to contact the undersigned.

Very truly yours,

Anna M. DiLonardo

Enc.

cc: All known defense counsel via NYSCEF



SUPREME COURT OF THE STATE OF NE COUNTY OF NEW YORK	W YORK
IN RE: NEW YORK CITY ASBESTOS LITIO	BATION
THIS DOCUMENT RELATES TO: DENNIS KILKENNY AND PATRICIA KILKE	Index No. 190011/2024 NNY
	UNOPPOSED SUMMARY JUDGMENT MOTION AND ORDER
WHEREFORE, defendant, Morse TEC LLC f/k/a BorgWarner Morse TEC LLC as successor-by-merger to Borg-Warner Corporation ("Morse TEC"), hereby requests summary judgment in the above entitled action, pursuant to Civil Practice Law and Rules § 3212, dismissing the complaint and cross-claims against defendant, Morse TEC, with prejudice, and after notice to all co-defendants there is no opposition,  ORDERED, that all claims and cross claims against defendant Morse TEC, are dismissed with prejudice and without costs.	
By: Matthew Park Attorneys for Plaintiff The Early Law Firm, LLC 360 Lexington Avenue, 20th Floor New York, NY 10017	By: Anna M. DiLonardo  Attorneys for Defendant Morse TEC LLC Marshall Dennehey, P.C. 175 Pinelawn Road, Suite 250 Melville, NY 11747
SO ORDERED,  Hon. Adam Silvera J.S.C.	



## <u>AFFIDAVIT OF SERVICE</u>

STATE OF NEW YORK ) :ss.
COUNTY OF SUFFOLK )

Steve Hudzik, being duly sworn, deposes and says that I am not a party to the within action, am over 18 years of age and reside in Suffolk, New York.

That on the 6th day of March, 2024, deponent served the within *UNOPPOSED* **SUMMARY JUDGMENT MOTION** via NYSCEF and first class mail upon:

Matthew Park
The Early Law Firm, LLC
360 Lexington Avenue, 20th Floor
New York, NY 10017

And the deponent also served the within **UNOPPOSED SUMMARY JUDGMENT MOTION** upon:

## ALL KNOWN DEFENSE COUNSEL

By transmitting the papers upon all parties as appearing on the Supreme Court, State of New York Electronic filing website at the e-mail designated by said parties.

Steve Hudzik

Sworn to before me on this 6th day of March, 2024.

Notary Public

ABDUR RASHEED JASUR

Notary Public, State of New York

No. 01JA6134663

Qualified in Suffolk County

Commission Expires October 3, 2025

