

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

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DENNIS KILKENNY and PATRICIA KILKENNY,

Index No.: 190011/2024

Plaintiff(s),

NOTICE OF ENTRY

-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.

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PLEASE TAKE NOTICE that attached hereto is a true and correct copy of an Order signed by the Honorable Adam Silvera, J.S.C., on March 5, 2024, and duly filed and entered by the County Clerk’s Office, New York County, on March 8, 2024.

Dated: New York, New York
March 12, 2024

Respectfully submitted,

Jason Liam Schmolze
Jason Liam Schmolze, Esq.
Wilson Elser Moskowitz Edelman & Dicker LLP
Attorneys for Defendant Toshiba America, Inc.
150 East 42nd Street
New York, NY 10017
(973) 735-1445

TO: ALL COUNSEL OF RECORD (via NYSCEF)

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

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DENNIS KILKENNY and PATRICIA KILKENNY,

Plaintiffs,

NYCAL
I.A.S. Part 13
(Silvera, A.)

- against -

Index No. 190011/2024

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

**UNOPPOSED SUMMARY
JUDGMENT MOTION AND
ORDER**

Defendants.
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WHEREFORE, the Defendant, TOSHIBA AMERICA, INC. (incorrectly pled as "Toshiba America Inc.") (hereinafter "Toshiba"), requests summary judgment in the above-entitled action, pursuant to Civil Practice Law and Rules § 3212, dismissing the complaint and cross-claims against Toshiba, with prejudice, and after notice to all defendants there is no opposition, it is

ORDERED that all claims and cross claims against the defendant, TOSHIBA AMERICA, INC., are dismissed with prejudice and without costs.

Dated: New York, New York
2/28, 2024

The Early Law Firm, L.L.C.

Wilson, Elser, Moskowitz, Edelman & Dicker LLP

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SO ORDERED, Adam Silvera
Honorable Adam Silvera, J.S.C.

MAR - 5 2024