

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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JANET BARBASH, : Index: 601427/2017  
 :  
Plaintiff, :  
 :  
-against- :  
 :  
STEPHEN CLARKE, Individually and d/b/a :  
GREENPORT YACHT & SHIPBUILDING :  
COMPANY, :  
 :  
Defendant. :  
----- X  
STEPHEN CLARKE, Individually and d/b/a : Third-Party Index: \_\_\_\_\_  
GREENPORT YACHT & SHIPBUILDING :  
COMPANY, :  
 :  
Defendant/Third-Party Plaintiff :  
 :  
-against- : **ORDER**  
 :  
ARTHUR FELD, :  
 :  
Third-Party Defendant. :  
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UPON the application of Betancourt, Van Hemmen, Greco & Kenyon LLC, counsel for defendant and third-party plaintiff Stephen Clarke, Individually and d/b/a Greenport Yacht & Shipbuilding Company (hereinafter, "Defendant") by Notice of Motion dated August 29, 2019 and with notice to John H. Mulvehill, Esq., Attorney for Plaintiff, 220 Cambon Avenue, Saint James, New York 11780 and Elliot Small, Esq., Attorney for Third-

Party Defendant Arthur Feld, Law Offices of Elliot S. Small, 5020 Sunrise Highway, 2<sup>nd</sup> Floor, Massapequa, New York 11783; and the Court having heard the argument of counsel;

IT IS, on this \_\_\_\_ day of \_\_\_\_\_, 2019, hereby

**ORDERED** that:

1. Defendant's motion is granted in toto;
2. plaintiff's Verified Complaint is hereby stricken;
3. plaintiff is hereby prohibited from supporting any claim that the My Way had any value;
4. plaintiff is hereby prohibited from producing in evidence the report of Edward Viola, dated March 18, 2015;
5. plaintiff is hereby prohibited from calling Edward Viola as a witness at trial;
6. plaintiff is hereby prohibited from introducing any evidence of damages at trial;
7. The Court deems the yacht My Way worthless for the purposes of plaintiff's claims herein;
8. Defendant may, within 45 days of this order, reopen the depositions of plaintiff and third-party defendant concerning the March 18, 2015 report of Edward Viola and related issues;

9. plaintiff shall pay the reasonable costs and attorneys fees for the reopened depositions of plaintiff and third-party defendant.

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\_\_\_ Opposed

\_\_\_ Unopposed

TO: John H. Mulvehill, Esq.  
220 Cambon Avenue  
Saint James, New York 11780  
*Attorneys for Plaintiff*

Alton J. Evans, Jr.  
Betancourt, Van Hemmen, Greco & Kenyon LLC  
75 South Broadway, 4<sup>th</sup> Floor  
White Plains, New York 10601  
*Attorneys for Defendant Stephen Clarke,  
Individually and d/b/a Greenport Yacht & Shipbuilding Company*

Elliot Small, Esq.  
Law Offices of Elliot S. Small  
5020 Sunrise Highway, 2<sup>nd</sup> Floor  
Massapequa, New York 11783  
*Attorneys for Third-Party Defendant, Arthur Feld*