

SUPREME COURT : STATE OF NEW YORK  
IAS PART WESTCHESTER COUNTY  
PRESENT: HON. JOAN B. LEFKOWITZ, J.S.C.

To commence the statutory time period for appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

-----X  
HELDER J. CORDEIRO,

Plaintiff,

DECISION & ORDER

-against-

Index No: 53526/2019

NEW YORK MARINE TOWING INCORPORATED and  
WEEKS MARINE, INC.,

Motion Return Date:  
July 12, 2019  
Motion Seq. #1

Defendants.  
-----X

The following papers (e-filed documents 3-4;18-19; 23) were read on the motion by defendant, Weeks Marine, Inc., for an order dismissing the complaint insofar as asserts a cause of action against it.

Notice of Motion, Affirmation (Exhibits A-D)  
Affirmation in Opposition (Exhibit 1)  
Reply Affirmation (Exhibits E-G)

Upon reading the foregoing papers it is

ORDERED the motion is granted to the extent that the matter is stayed until an order is issued by the federal court which vacates the stay set forth in the order of the United States District Court for the District of New Jersey (McNulty, J.) dated March 21, 2016.

Plaintiff sues for injuries allegedly suffered when he witnessed the collision of a tug boat and a barge. On March 21, 2016, the United States District Court for the District of New Jersey (McNulty, J.) issued an order pursuant to federal admiralty law which "restrained, stayed and enjoined" all lawsuits concerning the accident until a "hearing and determination" by the federal court.

Plaintiff has made an application to the federal court for permission to sue there. The court has not been notified of a decision by the federal court. Thus, the matter is stayed pursuant to the order of the United States District Court for the District of New Jersey dated March 21, 2016.

ENTER,

Dated: White Plains, New York  
September 26, 2019

