

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.

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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. #2

Defendants.
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The following papers (e-filed documents 9-13; 21-22) were read on the motion by defendant, New York Marine Towing Incorporated, for an order dismissing the complaint insofar as it asserts a cause of action against it.

Notice of Motion, Affirmation (Exhibits A-C)
Affirmation in Opposition (Exhibit 1)

Upon reading the foregoing papers it is

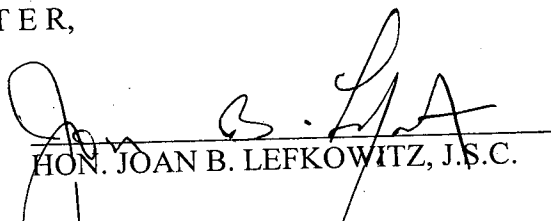
ORDERED the motion is granted to the extent that the matter is stayed until an order is issued by the federal court which vacates the stay set forth in the order of the United States District Court for the Southern District of New York (Karas, J.) dated July 22, 2016.

Plaintiff sues for injuries allegedly suffered when he witnessed the collision of a tug boat and a barge. On July 22, 2016, the United States District Court for the Southern District of New York (Karas, 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 Southern District of New York dated July 22, 2016.

ENTER,

Dated: White Plains, New York
September 26, 2019


HON. JOAN B. LEFKOWITZ, J.S.C.