

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

SUPERIOR GUNITE,

Plaintiff,

-against-

YONKERS CONTRACTING COMPANY,
INC. AND ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

Index No.: 54272/13

**AFFIRMATION OF
ANTHONY J. TAVORMINA, ESQ.**

I, ANTHONY J. TAVORMINA, ESQ., an attorney at law, duly admitted to practice law before the Courts of the State of New York, hereby affirm, under penalty of perjury, the following:

1. I am an associate at the law firm of Lewis & McKenna, attorneys for Defendants Yonkers Contracting Company, Inc. ("Yonkers") and Zurich American Insurance Company ("Zurich"). As such, I am familiar with the facts and circumstances of this case.
2. I make the current affirmation in support of Defendants' Memorandum of Law in Opposition to Plaintiff's Motion for Partial Summary Judgment filed on March 7, 2014.
3. Attached hereto as **Exhibit 1** is a true and correct copy of page 45:18-20 from the official transcript of the deposition of Robert Stepien, taken on January 10, 2014.
4. Attached hereto as **Exhibit 2** is a true and correct copy of page 62:6-18 from the official transcript of the deposition of Robert Stepien, taken on January 10, 2014.
5. Attached hereto as **Exhibit 3** is a true and correct copy of page 71:13-15 from the official transcript of the deposition of Robert Stepien, taken on January 10, 2014.
6. Attached hereto as **Exhibit 4** is a true and correct copy of page 82:11-13 from the official transcript of the deposition of Robert Stepien, taken on January 10, 2014.

7. Attached hereto as **Exhibit 5** is a true and correct copy of page 92:9-18 from the official transcript of the deposition of Robert Stepien, taken on January 10, 2014.

8. Attached hereto as **Exhibit 6** is a true and correct copy of page 99:9-20 from the official transcript of the deposition of Robert Stepien, taken on January 10, 2014.

9. Attached hereto as **Exhibit 7** is a true and correct copy of page 111:5-18 from the official transcript of the deposition of Robert Stepien, taken on January 10, 2014.

10. Attached hereto as **Exhibit 8** is a true and correct copy of page 130:17-20 from the official transcript of the deposition of Robert Stepien, taken on January 10, 2014.

11. Attached hereto as **Exhibit 9** is a true and correct copy of page 31:14-22 from the official transcript of the deposition of James Strobel, taken on January 13, 2014.

12. Attached hereto as **Exhibit 10** is a true and correct copy of page 32:22-25 from the official transcript of the deposition of James Strobel, taken on January 13, 2014.

13. Attached hereto as **Exhibit 11** is a true and correct copy of page 37:12-25 from the official transcript of the deposition of James Strobel, taken on January 13, 2014.

14. Attached hereto as **Exhibit 12** is a true and correct copy of page 44:4-25 from the official transcript of the deposition of James Strobel, taken on January 13, 2014.

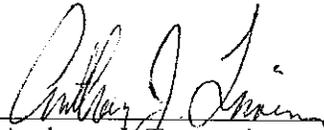
15. Attached hereto as **Exhibit 13** is a true and correct copy of pages 54-55 from the official transcript of the deposition of James Strobel, taken on January 13, 2014.

16. Attached hereto as **Exhibit 14** is a true and correct copy of pages 68:19-21 from the official transcript of the deposition of James Strobel, taken on January 13, 2014.

WHEREFORE, Defendants Yonkers Contracting Company, Inc. and Zurich American Insurance Company request an Order of this Court dismissing the Motion for Partial Summary

Judgment filed by Plaintiff Superior Gunitite, together with other and further relief as this Court may deem just and proper.

AFFIRMED: March 26, 2014



Anthony J. Favormina
Lewis & McKenna
82 East Allendale Road, Suite 6
Saddle River, New Jersey 07458
(201) 934-9800
Attorneys for Defendants
Yonkers Contracting Company, Inc. and
Zurich American Insurance Company