

**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

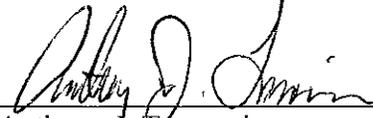
NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the attached affidavit(s) of Michael F. McKenna, Esq. and James Strobel, sworn to on February 21, 2014 and February 19, 2014, respectively, and the exhibits attached thereto, and upon all the proceedings in this case to date, the Defendants Yonkers Contracting Company, Inc. and Zurich American Insurance Company, will move in this Court at 9:30 a.m. on Friday, March 14, 2014, at the Westchester County Courthouse located at 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York 10601, for an order pursuant to Civil Practice Law and Rules (CPLR) § 2221(a), granting the following relief to the movants: vacating Plaintiff Superior Gunite's note of issue, temporarily staying this action, and granting such other and further relief as this Court may deem just and proper. Defendants respectfully request oral argument for this motion.

PLEASE TAKE FURTHER NOTICE, that pursuant to Civil Practice Law and Rules § 2214(b), you are hereby required to serve copies of your answering affidavits on the undersigned no later than the seventh day prior to the date set forth above for the submission of this motion.

Dated: February 21, 2014

Respectfully submitted,



Anthony J. Favormina

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Attorneys for Defendants

Yonkers Contracting Company, Inc. and

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Superior Gunitite