

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF WESTCHESTER

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 SUPERIOR GUNITE,

Plaintiff,

Index No. 54272/2013

-against-

**NOTICE OF MOTION
 FOR PARTIAL SUMMARY
 JUDGMENT**

YONKERS CONTRACTING COMPANY, INC. and
 ZURICH AMERICA INSURANCE COMPANY,

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed affidavit of David E. Bowers, sworn to on March 7, 2014, and the exhibits annexed thereto, the accompanying memorandum of law, the Statement of Undisputed Facts Pursuant to Rule 19-a, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this Court, the Supreme Court of the State of New York, Westchester County, located at 111 Dr. Martin Luther King, Jr. Blvd., White Plains, NY 10601, on March 28, 2014, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order pursuant to CPLR 3212 granting partial summary judgment in plaintiff's favor on plaintiff's breach of contract claims and awarding plaintiff costs and interest and granting plaintiff such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering papers, if any, are required to be served so as to be received by the undersigned at least seven (7) days before the return date of this motion.

Dated: New York, New York
 March 7, 2014

DUANE MORRIS, LLP
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Superior Gunito



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