

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

YONKERS CONTRACTING COMPANY INC.

Index No.: 61442/2014

Plaintiff,

-against-

K.J.C. WATERPROOFING INC. and SUPERIOR
GUNITE, ZURICH AMERICAN INSURANCE
COMPANY, NICHOLSON CONSTRUCTION CO., and
CITI STRUCTURE LLC,

Defendants.

**NOTICE OF MOTION
PURSUANT TO CPLR §2307**

**Assigned to J. Scheinkman
Commercial Division**

PLEASE TAKE NOTICE that upon the annexed affirmation of Martin I. Gold dated November 4, 2015 and the exhibits annexed thereto, and upon all pleadings and proceedings heretofore had herein, defendant K.J.C. Inc. s/h/a K.J.C. Waterproofing, Inc., will move this Court, on November 19, 2015, at 9:30 a.m. or as soon thereafter as counsel may be heard at IAS Part, Commercial Division, Room 105, Justice Alan D. Scheinkman presiding, in the Courthouse, located at 111 Dr. Martin Luther King, Jr. Drive, White Plains, NY 10601 for an order:

A. Pursuant to CPLR §2307 for the issuance of the subpoena directing the non-party Metropolitan Transit Authority to produce records and documents pursuant to a *Subpoena Duces Tecum*; and

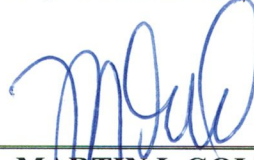
B. Pursuant to CPLR §2302 (b) and §2310(2) and §3107, for the issuance of the subpoenas to certain personnel of the MTA to appear for depositions as non-party witnesses to this action;

C. Together with such other further and different relief as this court deems proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served in accordance with the CPLR.

Dated: November 5, 2015

BAHN, MULTER LLP



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