

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

Supreme COURT, COUNTY OF Westchester

Index No: 61442/14 Date Index Issued: 7/28/14

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

YONKERS CONTRACTING COMPANY INC.

Plaintiff(s)/Petitioner(s)

-against-

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

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING:

Check ONE box only and specify where indicated.

MATRIMONIAL

- ☐ Contested
☐ Uncontested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the **MATRIMONIAL RJL Addendum**.

TORTS

- ☐ Asbestos
☐ Breast Implant
☐ Environmental: _____ (specify)
☐ Medical, Dental, or Podiatric Malpractice
☐ Motor Vehicle
☐ Products Liability: _____ (specify)
☐ Other Negligence: _____ (specify)
☐ Other Professional Malpractice: ARCHITECT (specify)
☐ Other Tort: _____ (specify)

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see **NOTE** under Commercial]
☐ Emergency Medical Treatment
☐ Habeas Corpus
☐ Local Court Appeal
☐ Mechanic's Lien
☐ Name Change
☐ Pistol Permit Revocation Hearing
☐ Sale or Finance of Religious/Not-for-Profit Property
☐ Other: _____ (specify)

COMMERCIAL

- ☐ Business Entity (including corporations, partnerships, LLCs, etc.)
☒ Contract
☐ Insurance (where insurer is a party, except arbitration)
☐ UCC (including sales, negotiable instruments)
☐ Other Commercial: _____ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the **COMMERCIAL DIV RJL Addendum**.

REAL PROPERTY: How many properties does the application include?

- ☐ Condemnation
☐ Foreclosure
 Property Address: _____ City _____ State _____ Zip _____
NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the **FORECLOSURE RJL Addendum**.
☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____
☐ Other Real Property: _____ (specify)

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see **NOTE** under Commercial]
☐ CPLR Article 78 (Body or Officer)
☐ Election Law
☐ MHL Article 9.60 (Kendra's Law)
☐ MHL Article 10 (Sex Offender Confinement-Initial)
☐ MHL Article 10 (Sex Offender Confinement-Review)
☐ MHL Article 81 (Guardianship)
☐ Other Mental Hygiene: _____ (specify)
☐ Other Special Proceeding: _____ (specify)

STATUS OF ACTION OR PROCEEDING:

Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

Has a summons and complaint or summons w/notice been filed?

☒

If yes, date filed: 7/28/14

Is this action/proceeding being filed post-judgment?

☐

If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION:

Check ONE box only AND enter additional information where indicated.

- ☐ Infant's Compromise
☐ Note of Issue and/or Certificate of Readiness
☐ Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: 8/13/14
☐ Notice of Motion Relief Sought: Dismiss Return Date: _____
☐ Notice of Petition Relief Sought: _____ Return Date: _____
☐ Order to Show Cause Relief Sought: Dismiss Return Date: _____
☐ Other Ex Parte Application Relief Sought: _____
☐ Poor Person Application
☒ Request for Preliminary Conference
☐ Residential Mortgage Foreclosure Settlement Conference
☐ Writ of Habeas Corpus
☐ Other (specify): _____

RELATED CASES:

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case
Superior Gunite v. Yonkers Contracting Company	54272/2013	Westchester Supreme	Scheinkman	Both cases involve breach of contract arising from same construction project

PARTIES:If additional space is required, complete and attach the **RJI Addendum**.

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	Yonkers Contracting Co. Last Name First Name Primary Role: Plaintiff Secondary Role (if any): Defendant	McKenna Michael Last Name First Name Lewis & McKenna Firm Name 82 East Allendale Road, Suite 6 Saddle River New Jersey 07458 Street Address City State Zip 5164627051 8884755162 mmckenna@lewismckenna. Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	KJC Waterproofing, Inc. Last Name First Name Primary Role: Defendant Secondary Role (if any): Plaintiff	GOLD MARTIN Last Name First Name Bahn MUIter, LLP Firm Name 555 Fifth Avenue, 14th Floor New York New York 10017 Street Address City State Zip 9178869572 2129865316 martygoldlaw@aol.com Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	Unknown
<input type="checkbox"/>	Superior Gunite Last Name First Name Primary Role: Defendant Secondary Role (if any): Plaintiff	Canezio Mark Last Name First Name Duane Morris LLP Firm Name 1540 Broadway New York New York 10036-4000 Street Address City State Zip 2126921000 macanezio@duanemorris.com Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Citi Structures, Inc. Last Name First Name Primary Role: Defendant Secondary Role (if any):	Chan Henry Last Name First Name Wilson & Chan LLP Firm Name 1375 Broadway, 3rd Floor New York New York 10018 Street Address City State Zip Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: September 22, 20152274660

ATTORNEY REGISTRATION NUMBER

SIGNATURE

Martin I Gold

PRINT OR TYPE NAME

Print Form

