

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

Supreme COURT, COUNTY OF Westchester

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

For Court Clerk Use Only: IAS Entry Date, Judge Assigned, RJI Date

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 RJI Addendum.

TORTS: Asbestos, Breast Implant, Environmental, Medical, Dental, or Podiatric Malpractice, Motor Vehicle, Products Liability, Other Negligence, Other Professional Malpractice: ARCHITECT, Other Tort.

OTHER MATTERS: Certificate of Incorporation/Dissolution, 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.

COMMERCIAL: Business Entity, Contract, Insurance, UCC, Other Commercial. NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.

REAL PROPERTY: How many properties does the application include? Condemnation, Foreclosure, Tax Certiorari, Other Real Property.

SPECIAL PROCEEDINGS: CPLR Article 75, CPLR Article 78, Election Law, MHL Article 9.60, MHL Article 10, MHL Article 81, Other Mental Hygiene, Other Special Proceeding.

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed? YES NO. Is this action/proceeding being filed post-judgment? YES NO. If yes, date filed: 7/28/14. 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 <b>+</b>	54272/2013	Westchester Supreme <b>+</b>	Scheinkman	Both cases involve breach of contract arising from same construction project <b>+</b>

**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. <b>+</b> 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, 2015

2274660

ATTORNEY REGISTRATION NUMBER



SIGNATURE

Martin I Gold

PRINT OR TYPE NAME

Print Form

