

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF WESTCHESTER

YONKERS CONTRACTING COMPANY, INC.,

Plaintiff,

-against-

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

61442/2014
 Index No. ~~51442/2014~~

**ORDER FOR AN OPEN
 COMMISSION TO TAKE
 THE DEPOSITION OF A
 NON-PARTY WITNESSES**

Defendants.

The parties to this action having stipulated and agreed to an Order pursuant to N.Y. C.P.L.R. 3108 and N.Y. C.P.L.R. 3111, directing the issuance of an Open Commission to enable defendant K.J.C. Inc. s/h/a KJC Waterproofing, Inc. to take the deposition of Chris Ford as a nonparty witnesses, and to request the Superior Court of the State of New Jersey, Hudson County, to issue a subpoena(s) and subpoena(s) *duces tecum* to Chris Ford to appear for and submit to his deposition at a time, date, and place to be set by the Superior Court of the State of *New Jersey*;

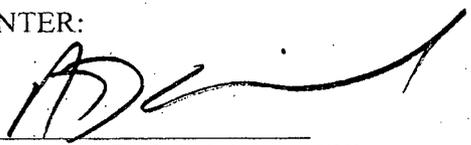
Now upon the Stipulation of the parties and due deliberation having been had thereon it is

ORDERED that defendant K.J.C. Inc.'s s/h/a KJC Waterproofing, Inc. application for an Open Commission to enable defendant K.J.C. Inc. s/h/a K.J.C. Waterproofing, Inc. to take the depositions of Chris Ford as a nonparty witnesses in the State of *New Jersey* is Granted in all respects; and it is further

Ordered that a Commission issue to a Judge or the Clerk of the Superior Court of the State of *New Jersey, Hudson County*, to take the deposition on oral questions under oath of Chris Ford as a nonparty witnesses; and it is further

ORDERED that the costs of conducting the deposition, court costs and service of process fees, costs shall be taxable disbursements in the action.

ENTER:



Hon. Alan D. Scheinkman, JSC