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**STATE OF NEW YORK
LITIGATION COORDINATING PANEL**

Panel Case No. 0004/2002

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
PAUL KITSOS,

Plaintiff,

- against -

DONALD WEINER, BARBARA WEINER
and GARDEN CITY DRESSES FOR LESS,
INC.,

Defendants.

-----X

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

PAUL KITSOS and
KATHERINE BISHOP II,

Plaintiffs,

- against -

DONALD WEINER and BARBARA WEINER,

Defendants.

-----X

Assigned to
Justice Thomas P. Phelan

Index No. 2368/2001

Assigned to
Justice Richard B. Lowe, III

Index No. 103795/2001

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
PAUL KITSOS and
KATHERINE BISHOP II,

Plaintiffs,

- against -

DONALD WEINER, DRESSES FOR LESS,
INC. and TREVOR BRATHWAIT,

Defendants.
-----X

Assigned to Justice Robert Lippman

Index No. 104478/2001

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
DRESSES FOR LESS, INC.,

Plaintiff,

- against -

PAUL KITSOS,

Defendant.
-----X

Assigned to Justice Leonard Austin

Index No. 7526/2001

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
DONALD WEINER and BARBARA WEINER,

Plaintiffs,

- against -

PAUL KITSOS,

Defendant.
-----X

Index No. 14217/2001

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----- X
PAUL KITSOS,

Plaintiff,

- against -

DRESSES FOR LESS, INC.,
DONALD WEINER, BARBARA WEINER
RICHARD PEDONE, WHISKEY WHOLESale,
INC., DAVID TELLER and BRAD COHEN,

Defendants.
----- X

Assigned to Justice Leonard Austin

Index No.6596/2002

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----- X
PAUL KITSOS,

Plaintiff,

- against -

DONALD WEINER, BARBARA WEINER
and 1700 JERICHO TPKE REALTY CORP.,

Defendants.
----- X

Assigned to
Justice Thomas P. Phelan

Index No. 5112/2001

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----- X
PAUL KITSOS,

Plaintiff,

- against -

DRESSES FOR LESS, INC.,

Defendant.
----- X

Assigned to
Justice Leonard Austin

Index No. 14106/2002

DECISION

Donald Weiner is a party to a group of lawsuits. Paul Kitsos and others are also parties. Messrs. Weiner and Kitsos had various business relationships with one another, which included interests in a number of entities and certain real property. At some point, it appears, Messrs. Weiner and Kitsos suffered a falling out. The result was commencement of the lawsuits, which are listed above. Mr. Weiner has now applied for coordination of these actions pursuant to Section 202.69 of the Uniform Rules for the Trial Courts. Mr. Kitsos and Katherine Bishop II, also a party to some cases, oppose the application.

The Litigation Coordinating Panel has considered the arguments presently by the interested parties and the factors set forth in Section 202.69 (b) (3), which are not exhaustive. The Panel concludes that, with the exceptions indicated below, the application should be granted. The parties to each of the eight actions are not identical, nor are the causes of action in each exactly the same. However, the actions all arise out of the same circumstances -- the failure of the business relationships between Messrs. Kitsos and Weiner, who are opposing parties in all but two of the cases and in those two Mr. Kitsos is the adversary of a business affiliated with Mr. Weiner. The

Panel concludes that coordination of the actions will assure the most efficient possible termination of the dealings between the principal parties and determination of the claims presented. Coordination by a single Justice also will promote an orderly process of discovery. Moreover, the prospect of settlement will be enhanced by coordination since all the state litigations that arise out of the business relationships of the principal parties will be before a single Justice prior to the filing of the note of issue. The filing of a Federal Rico action and the pendency of an arbitration proceeding furnish no reason for denial of the application.

Pursuant to Section 202.69, the coordination shall take place before a single Justice in Nassau County. The main parties are Nassau residents, certain real property involved is located there and six of the eight actions are pending there before Justices Austin and Phelan. In accordance with Section 202.69, the Administrative Judge of the Tenth Judicial District, the Honorable Edward G. McCabe, shall designate the Coordinating Justice.

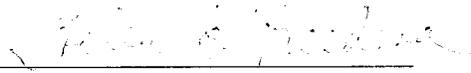
In three of the eight actions a note of issue was filed.¹ Since disclosure has been completed in these cases, trial is imminent or will take place soon, and counsel for the applicant indicated at oral argument that her firm will be ready to proceed to trial, these cases shall be included in the coordination at the discretion of the Justice assigned.

The application is granted. An appropriate order will issue.

¹These actions are: Kitsos v Weiner, Index No. 2368/2001, Kitsos v Weiner, Index No. 5112/2001, and Dresses for Less, Inc. v Kitsos, Index No. 7526/2001, all pending in Nassau County.

This constitutes the decision of the Panel.

Dated: November 27 , 2002



HON. HELEN E. FREEDMAN
Presiding Justice, First Department

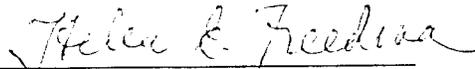
HON. RAYMOND E. CORNELIUS
Justice, Fourth Department

HON. E. MICHAEL KAVANAGH
Justice, Third Department

HON. JOSEPH J. MALTESE
Justice, Second Department

This constitutes the decision of the Panel.

Dated: November 27 , 2002



HON. HELEN E. FREEDMAN
Presiding Justice, First Department



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Justice, Second Department

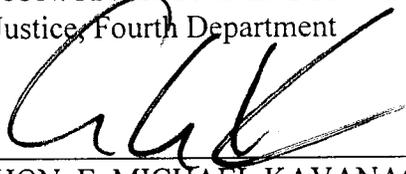
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Justice, Second Department

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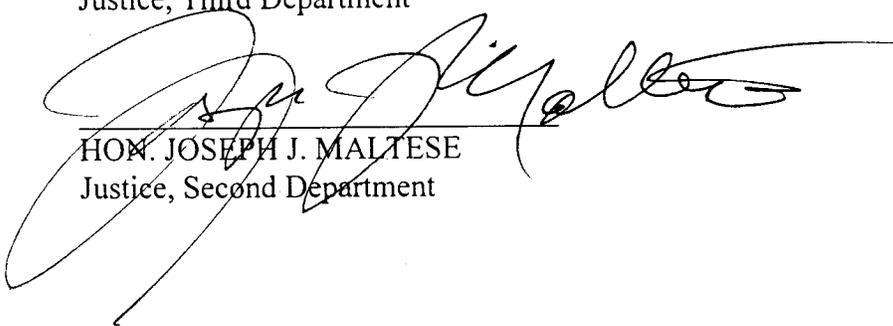
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