

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D22740
T/kmg

_____AD3d_____

Submitted - February 20, 2009

WILLIAM F. MASTRO, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
JOHN M. LEVENTHAL, JJ.

2008-05341

DECISION & ORDER

New York City Housing Authority, respondent,
v Underwriters at Lloyd's, London, appellant
(and a third-party action).

(Index No. 4602/06)

Abrams, Gorelick, Friedman & Jacobson, P.C., New York, N.Y. (Jessica F. Napoli of counsel), for appellant.

Lester Schwab Katz & Dwyer, LLP, New York, N.Y. (Steven B. Prystowsky and Joshua C. Zimring of counsel), for respondent.

In an action for a judgment declaring that the defendant is obligated to defend and indemnify the plaintiff and to reimburse the plaintiff for all reasonable attorney's fees and disbursements incurred in the defense of an underlying action entitled *Piliotis v City of New York*, pending in the Supreme Court, Kings County, under Index No. 20226/03, the defendant appeals from an order of the Supreme Court, Kings County (Solomon, J.), dated April 17, 2008, which granted the plaintiff's motion to quash a subpoena ad testificandum seeking to compel the deposition of the plaintiff's attorney.

ORDERED that the appeal is dismissed as academic, without costs or disbursements, in light of our determination on a related appeal (*see New York City Housing Authority v Underwriters at Lloyd's, London*, _____AD3d_____ [Appellate Division Docket No. 2008-04061; decided herewith]).

MASTRO, J.P., SANTUCCI, DICKERSON and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer

April 14, 2009

NEW YORK CITY HOUSING AUTHORITY v UNDERWRITERS AT LLOYD'S, LONDON

Clerk of the Court

April 14, 2009

NEW YORK CITY HOUSING AUTHORITY v UNDERWRITERS AT LLOYD'S, LONDON