

Following this cover page are scanned images of no-opposition summary judgment motions and orders filed on the selected date. **The documents are displayed in no particular order.** However, all of these documents are searchable.

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- 2) Enter the index number, a word, or a phrase in the form field provided and press **Enter** or **Return**.

In most applications, the first appearance of the index number, the word, or the phrase in the document will be highlighted.

Tip: **Ctrl-f** opens the Find function in most applications, including browsers and PDF viewers.

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

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

MICHAEL LAYTON,
Plaintiff,

— against —

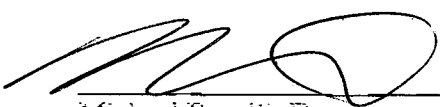
A.C. AND S., INC. (ARMSTRONG
CONTRACTING & SUPPLY), et al.

Defendant.
-----X

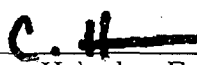
WHEREFORE, Defendant THE OKONITE COMPANY, INC., hereby requests summary judgment in the above-entitled case, pursuant to Civil Practice Law and Rules Sections 3212, dismissing plaintiffs' complaint against Defendant THE OKONITE COMPANY, INC. with prejudice, and there being no opposition thereto,

ORDERED, that upon notice to all co-defendants, all claims and cross claims against Defendant, THE OKONITE COMPANY, INC., be and the same are hereby dismissed with prejudice and without costs to either party.


Dated: New York, New York
July 29, 2019



Michael Fanelli, Esq.
WEITZ & LUXENBERG, P.C
Attorneys for Plaintiff
700 Broadway
New York, New York 10003
Phone: 212-558-5500



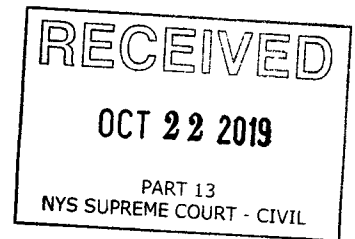
C. Dino Haloulos, Esq.
MCCULLOUGH GINSBERG
MONTANO & PARTNERS LLP
Attorneys for Defendant,
The Okonite Company
122 East 42nd Street, Suite 3505
New York, NY 10168
(646) 747-4678

SO ORDERED, 

Hon Manuel J. Mendez

MANUEL J. MENDEZ

FILED
OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK

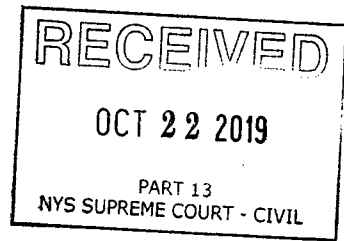


Index No.: 111981/2002

**NO OPPOSITION
SUMMARY JUDGMENT
MOTION & ORDER**

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN THE CITY OF NEW YORK

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X



DIANE L. CASTLE, as Administratrix for the
Estate of DAVID DOCKERY,

Plaintiff,

-against-

AC and S., INC., et al.,

Defendants.
-----X

**NO OPPOSITION SUMMARY
JUDGMENT MOTION AND
ORDER**

Index No. 122175/1998

WHEREFORE defendant, **MORSE DIESEL, INC.**, requests summary judgment in this action, pursuant to CPLR 3212, dismissing Plaintiff's Complaint against defendant **MORSE DIESEL, INC.** with prejudice, and there being no opposition thereto,

ORDERED that upon notice to all co-defendants, all claims and cross claims against defendant **MORSE DIESEL, INC.** be dismissed with prejudice and without costs.

Dated: New York, New York
10/10, 2019

WEITZ & LUXENBERG, P.C.

CLYDE & CO US LLP

By: 

By: 

700 Broadway
New York, New York 10003
Tel: (212) 558-5500
Attorney for Plaintiff

Kevin W. Turbert
The Chrysler Building
405 Lexington Avenue, 16th Floor
New York, New York 10174
Tel: (212) 710-3900
Attorney for Defendant Morse Diesel, Inc.

FILED
OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK

SO-ORDERED: 

HON. MANUEL MENDEZ, J.S.C.

MANUEL J. MENDEZ
J.S.C.

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OCT 22 2019
PART 13
NYS SUPREME COURT - CIVIL

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN THE CITY OF NEW YORK

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

This Document Relates To:

THERESA HICKEY, as Personal Representative for
the Estate of JOHN J. ASPESI,

Plaintiff,

-against-

A.C. and S., INC. (ARMSTRONG
CONTRACTING & SUPPLY), et al.,

Defendants.
-----X

**NO OPPOSITION SUMMARY
JUDGMENT MOTION AND
ORDER**

Index No. 100628/2002

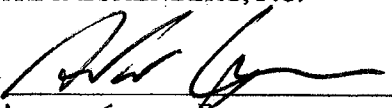
FILED
OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK

WHEREFORE defendant Mario & DiBono Plastering Co., Inc. requests summary judgment in the above-entitled action, pursuant to Civil Practice Law and Rules 3212, dismissing the complaint and cross-claims against Mario & DiBono Plastering Co., Inc. with prejudice, and after notice to all co-defendants there is no opposition, it is

ORDERED that upon notice to all co-defendants, all claims and cross claims against defendant Mario & DiBono Plastering Co., Inc. are dismissed with prejudice and without costs.

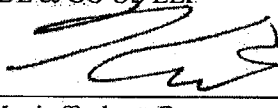
Dated: New York, New York
October 22, 2019

WEITZ & LUXENBERG, P.C.

By: 
Andrew Gayoso, Esq.
700 Broadway
New York, New York 10003
Tel: (212) 558-5500

Attorney for Plaintiffs

CLYDE & CO US LLP

By: 
Kevin Turbert, Esq.
The Chrysler Building
405 Lexington Avenue, 16th Floor
New York, New York 10174
Tel: (212) 710-3900
Attorney for Defendant Mario & DiBono
Plastering Co., Inc.

SO-ORDERED: 

HON. MANUEL MENDEZ, J.S.C.

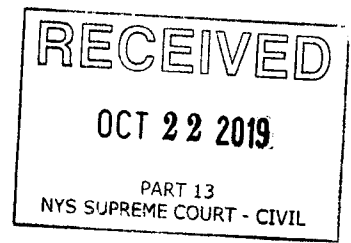
MANUEL J. MENDEZ
J.S.C.

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

IN RE: NEW YORK COUNTY ASBESTOS LITIGATION

In the matter of

ANNIE SMYTH, as Administratrix for the Estate of
THOMAS SMYTH, and ANNIE SMYTH, Individually




Index No.

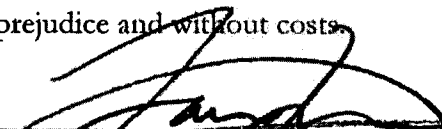
190232/2010

NO OPPOSITION
MOTIONS FOR
SUMMARY
JUDGMENT

WHEREFORE, defendant KELLY-MOORE PAINT COMPANY, INC., ("KELLY-MOORE") hereby requests summary judgment in the above-captioned case, against each and every plaintiff related to that case, pursuant to Civil Practice Law and Rules Section 3212, dismissing the pleaded causes of action against it, with prejudice, there being no opposition thereto,

ORDERED, that upon notice to all co-defendants, all claims and cross claims against KELLY-MOORE, be and are hereby dismissed with prejudice and without costs.


By: Benjamin Darche, Esq.
WEITZ & LUXENBERG, PC.
Attorneys for Plaintiffs
700 Broadway
New York, NY 10003


By: James Y. Lee, Esq.
Hawkins Parnell & Young LLP
Attorneys for KELLY-MOORE
600 Lexington Ave. 8th Flr.
New York, NY 10022

So Ordered,


Hon. Manuel Mendez, J.S.C.
MANUEL J. MENDEZ

Dated: 10 / 22 / 19

FILED
OCT 23 2019
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COUNTY CLERK

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NYS SUPREME COURT - CIVIL

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN THE CITY OF NEW YORK

NYCAL
I.A.S. Part 13, (Mendez, M.)

----- X
IN RE: NEW YORK CITY
ASBESTOS LITIGATION,

Index No: 114891/2007

This Document Relates to:


**UNOPPOSED
SUMMARY JUDGMENT
MOTION AND ORDER**

**JOHN MCGOLDRICK AND
JOANNE MCGOLDRICK, HIS WIFE**
----- X


WHEREFORE, Defendant, **J.T. FALK COMPANY**, requests summary judgment in the above-entitled case, pursuant to Civil Practice Law and Rules Section 3212, dismissing the complaint and cross-claims against **J.T. FALK COMPANY**, with prejudice, and after notice to all co-defendants there is no opposition, it is

ORDERED, that all claims and cross claims against Defendant, **J.T. FALK COMPANY**, are dismissed with prejudice and without costs.

Dated: _____, 2019



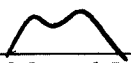
Kevin Berry, Esq.



Carol M. Tempesta, Esq.

WILENTZ, GOLDMAN & SPITZER, P.A.
Attorneys for Plaintiffs
**JOHN MCGOLDRICK AND
JOANNE MCGOLDRICK, HIS WIFE**
14 Wall Street - Suite B
New York, New York 10005
(646) 746-8914

**MARKS, O'NEILL, O'BRIEN,
DOHERTY & KELLY, P.C.**
Attorneys for Defendant
J.T. FALK COMPANY
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-7301
File No.: 213.80646

SO ORDERED, 

Hon. Manuel J. Mendez, J.S.C.
MANUEL J. MENDEZ
J.S.C.

FILED
OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK

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OCT 22 2019
PART 13
NYS SUPREME COURT - CIVIL

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN THE CITY OF NEW YORK

-----X
IN RE: NEW YORK CITY
ASBESTOS LITIGATION

NYCAL
I.A.S. Part 13, (Mendez, M.)

This Document Relates to:

**UNOPPOSED
SUMMARY JUDGMENT
MOTION AND ORDER**

NORMAN FREDDIE GABEL AND ELIZABETH
GABEL

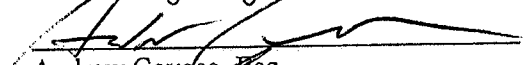
Index No: 120392/2001 &
104094/2002

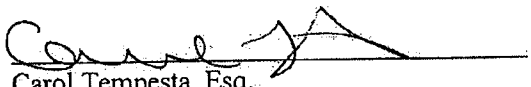
~~10022/2019~~

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WHEREFORE, Defendant, **BMI REFRACTORY SERVICES, INC.** sued herein as **ADIENCE, INC. F/K/A BMI, INC.**, (herein after referred to as "BMI"), requests summary judgment in the above-entitled case, pursuant to Civil Practice Law and Rules Section 3212, dismissing the complaint and cross-claims against **BMI** with prejudice, and after notice to all co-defendants there is no opposition, it is

ORDERED, that all claims and cross claims against Defendant, **BMI**, are dismissed with prejudice and without costs.

Dated: July 8, 2019


Andrew Gayoso, Esq.


Carol Tempesta, Esq.

WEITZ & LUXENBERG, P.C.
Attorneys for Plaintiffs
**NORMAN FREDDIE GABEL
AND ELIZABETH GABEL**
700 Broadway
New York, New York 10003
(212) 558-5500

**MARKS, O'NEILL, O'BRIEN,
DOHERTY & KELLY, P.C.**
Attorneys for Defendant
BMI REFRACTORY SERVICES, INC.
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-7301
File No.: 473.10609

SO ORDERED, 
Hon. Manuel J. Mendez, J.S.C.
MANUEL J. MENDEZ
J.S.C.

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OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK

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OCT 22 2019
PART 13
NYS SUPREME COURT - CIVIL

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

NYCAL
IAS Part 13, (Mendez, M)

----- X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

----- X
**UNOPPOSED
SUMMARY JUDGMENT
MOTION AND ORDER**

This Document Relates To:

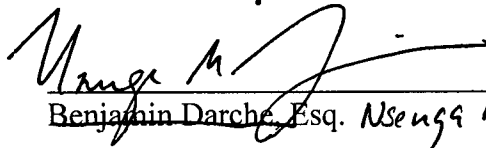
RUDOLPH SCALA and JOSEPHINE SCALA,

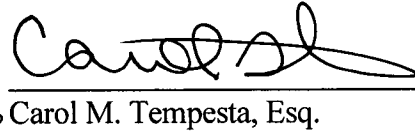
Index No.: 126812/2002
110269/2002

----- X
WHEREFORE, defendant, **BMI REFRACTORY SERVICES, INC.**, sued herein as **ADIENCE, INC. F/K/A BMI, INC.**, (herein after referred to as "**BMI**") requests summary judgment in the above-entitled case, pursuant to Civil Practice Law and Rules Section 3212, dismissing the complaint and cross-claims against **BMI** with prejudice, and after notice to all co-defendants there is no opposition, it is

ORDERED, that all claims and cross claims against defendant **BMI** are dismissed with prejudice and without costs.

Dated: July 12, 2019



Benjamin Darche, Esq. *Nsenga N. Jenkins*


Carol M. Tempesta, Esq.

WEITZ & LUXENBERG, P.C.
Attorneys for Plaintiffs
**RUDOLPH SCALA and
JOSEPHINE SCALA**
700 Broadway
New York, New York 10003
(212) 558-5500

**MARKS, O'NEILL, O'BRIEN,
DOHERTY & KELLY, P.C.**
Attorneys for Defendant
BMI REFRACTORY SERVICES, INC.
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-7301
File No.: 473.99931

SO ORDERED, _____


Hon. Manuel Mendez, J.S.C.
MANUEL J. MENDEZ
J.S.C.

FILED
OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK

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

-----X
IN RE NEW YORK COUNTY
ASBESTOS LITIGATION
-----X

This Document Relates to:

DONALD E. MORTON

NYCAL
I.A.S. Part 46
(Mendez, M.)

Index No: ~~100217/2015~~
113324/2002


**UNOPPOSED SUMMARY
JUDGMENT MOTION
AND ORDER**

-----X

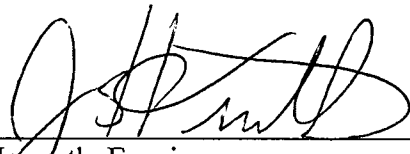
WHEREFORE, defendant CUMMINS INC., requests summary judgment in the above-entitled action, pursuant to Civil Practice Law and Rules Section § 3212, dismissing the complaint and cross-claims against CUMMINS INC. with prejudice, and after notice to all co-defendants there is no opposition, it is

ORDERED that all claims and cross-claims against defendant CUMMINS INC., are dismissed with prejudice and without costs.

Dated: September 19th, 2019
New York, New York


Justin Weitz, Esquire
Weitz & Luxenberg, P.C.
700 Broadway
New York, NY 10003
Attorneys for Plaintiffs

FILED
OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK


John S. Howarth, Esquire
Keith D. Babula, Esquire
WILBRAHAM, LAWLER & BUBA
40 Broadway, 46th Floor
New York, New York, 10005
Attorneys for Defendant, Cummins Inc.

SO ORDERED, 
MANUEL J. MENDEZ, J.S.C.

MANUEL J. MENDEZ
J.S.C.

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OCT 17 2019
PART 13
NYS SUPREME COURT - CIVIL

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

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

WILLIAM CAMPBELL,
Plaintiff,

– against –

AMCHEM PRODUCTS, INC. et al.

Defendant.
-----X

RECEIVED

OCT 22 2019

PART 13
NYS SUPREME COURT - CIVIL


Index No.: 103574-2000

**NO OPPOSITION
SUMMARY JUDGMENT
MOTION & ORDER**


WHEREFORE, Defendant THE OKONITE COMPANY, INC., hereby requests summary judgment in the above-entitled case, pursuant to Civil Practice Law and Rules Sections 3212, dismissing plaintiffs' complaint against Defendant THE OKONITE COMPANY, INC. with prejudice, and there being no opposition thereto,

ORDERED, that upon notice to all co-defendants, all claims and cross claims against Defendant, THE OKONITE COMPANY, INC., be and the same are hereby dismissed with prejudice and without costs to either party.

Dated: New York, New York
July 29, 2019



Michael Fanelli, Esq.
WEITZ & LUXENBERG, P.C
Attorneys for Plaintiff
700 Broadway
New York, New York 10003
Phone: 212-558-5500



C. Dino Malbulos, Esq.
MCCULLOUGH GINSBERG
MONTANO & PARTNERS LLP
Attorneys for Defendant,
The Okonite Company
122 East 42nd Street, Suite 3505
New York, NY 10168
(646) 747-4678

SO ORDERED, _____

Hon Manuel J. Mendez

MANUEL J. MENDEZ
J.S.C.

FILED
OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK

RECEIVED
OCT 22 2019
PART 13
NYS SUPREME COURT - CIVIL

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

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

FIOLDALIZA M MURPHY,
Plaintiff,

Index No.: 101059-1999

- against -

A.C. AND S., INC. (ARMSTRONG
CONTRACTING & SUPPLY), et al.

NO OPPOSITION
SUMMARY JUDGMENT
MOTION & ORDER

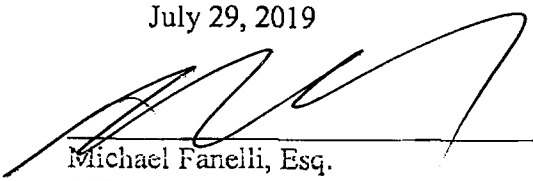
Defendant.

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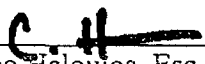
WHEREFORE, Defendant THE OKONITE COMPANY, INC., hereby requests summary judgment in the above-entitled case, pursuant to Civil Practice Law and Rules Sections 3212, dismissing plaintiffs' complaint against Defendant THE OKONITE COMPANY, INC. with prejudice, and there being no opposition thereto,

ORDERED, that upon notice to all co-defendants, all claims and cross claims against Defendant, THE OKONITE COMPANY, INC., be and the same are hereby dismissed with prejudice and without costs to either party.

Dated: New York, New York
July 29, 2019



Michael Fanelli, Esq.
WEITZ & LUXENBERG, P.C
Attorneys for Plaintiff
700 Broadway
New York, New York 10003
Phone: 212-558-5500



C. Dino Haloulios, Esq.
MCCULLOUGH GINSBERG
MONTANO & PARTNERS LLP
Attorneys for Defendant,
The Okonite Company
122 East 42nd Street, Suite 3505
New York, NY 10168
(646) 747-4678

SO ORDERED, 

Hon Manuel J. Mendez

MANUEL J. MENDEZ
J.S.C.

FILED
OCT 23 2019
NEW YORK COUNTY
COUNTY CLERK