

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

PRESENT: Smith
Justice

PART 6.2

Porta

INDEX NO. 104427/08

MOTION DATE _____

MOTION SEQ. NO. 007

MOTION CAL. NO. _____

- v -

EAST 51ST STREET
DEVELOPMENT CO

The following papers, numbered 1 to 1 were read on this motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause – Affidavits – Exhibits ...

1

Answering Affidavits – Exhibits _____

Replying Affidavits _____

Cross-Motion: Yes No

Upon the foregoing papers, it is ordered that this motion is withdrawn pursuant to the annexed stipulation with leave to resubmit in the event of non-compliance with the stipulation.

FILED

NOV 14 2008

COUNTY CLERK'S OFFICE
NEW YORK

Dated: 11/7/08

[Signature]
HON. KAREN SMITH J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

INDIVIDUAL ASSIGNMENT PART 62

STIPULATION

In re: East 51st Street Crane Collapse Cases

INDEX NO. 104427/08

MOTION CALENDAR NO.

DATE November 7, 2008

IT IS HEREBY STIPULATED AND AGREED by and between the below-named attorney(s) as follows:

- ① An inventory of all crane parts and/or pieces will be prepared. As to the parts being stored by the City in Red Hook, Brooklyn, the City will arrange for an inventory to be prepared, either by City personnel or by a representative of East 51st Street Development Company. As to the parts being stored at Jacobus Ave. in South Kearny, NJ, East 51st Street will visit the site and prepare an inventory, including videotaping.
- ② ~~East 51st Street will post a bond in the amount of \$100.~~
- ③ No party will transport any crane parts without first providing written notice to all parties and the Court of at least 48 hours, and allowing one videographer to videotape the transport.
- ④ See other

FILED

NOV 14 2008

Attorney for Plaintiff Defendant East 51st Street Development Co
NEW YORK

[Signature]
Attorney for Defendant

NEW YORK CRANE & EQUIPMENT

[Signature]
Attorney for Defendant City of New York

Date: November 7, 2008

So Ordered.

ENTER:

[Signature]
HON. KAREN SMITH J.S.C.

PRELIMINARY CONFERENCE ORDER

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X. ADDITIONAL DIRECTIVES: ④ Issues relating to future testing of crane parts and/or pieces will be determined at a later date, upon application to the Court.

⑤ NY Crane is permitted, to remove parts ~~from~~ ~~the~~ that are located at Jacobus Ave and are on a trailer, ~~may be removed~~ from the trailer ^{to the ground or} to a wooden pallet so long as ~~the~~ one videographer is present, and NY Crane provides 48 hours written prior notice to the parties. ~~and~~

11/7/08



HON. KAREN SMITH

FILED

NOV 14 2008

COUNTY CLERK'S OFFICE
NEW YORK

X. ADDITIONAL DIRECTIVES