

Before the Litigation Coordinating Panel of
the Supreme Court of the State of New
York, held at the Courthouse, 60 Centre
Street, Room 148, New York, New York on
the ~~20~~²¹ day of November, 2002.

PRESENT:

Helen E. Freedman
J.S.C.

LITIGATION COORDINATION PANEL

Case No. LCP 0006/2002

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

-----X
ZURICH AMERICAN INSURANCE COMPANY,

Plaintiff,

v.

AUDIOVOX CORPORATION, AMERICAN and
FOREIGN INSURANCE COMPANY, NATIONAL
SURETY CORPORATION, ROYAL INDEMNITY
COMPANY, SAFEGUARD INSURANCE COMPANY,
ST. PAUL GUARDIAN INSURANCE COMPANY, and
VIGILANT INSURANCE COMPANY,

Defendants.
-----X

Index No. 02-603996

ORDER TO SHOW CAUSE

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

-----X
ZURICH AMERICAN INSURANCE COMPANY,

Plaintiff,

v.

**AUDIOVOX CORPORATION, ROYAL INDEMNITY
COMPANY, NATIONAL SURETY COMPANY,
VIGILANT INSURANCE COMPANY and ST. PAUL
COMPANIES,**

Defendants.
-----X

Index No. 01-603668

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

-----X
**AUDIOVOX CORPORATION and AUDIOVOX
COMMUNICATIONS CORP.,**

Plaintiffs,

v.

**AMERICAN and FOREIGN INSURANCE COMPANY,
NATIONAL SURETY CORPORATION, ROYAL
INSURANCE COMPANY OF AMERICA,
SAFEGUARD INSURANCE COMPANY, ST. PAUL
GUARDIAN INSURANCE COMPANY, VIGILANT
INSURANCE COMPANY AND ZURICH AMERICAN
INSURANCE COMPANY,**

Defendants.
-----X

Index No. 02-26353

Upon the reading and filing of the annexed Affirmation of John H. Eickemeyer,
dated November 18, 2002, and the exhibits annexed thereto,

Let defendant Audiovox Corporation (“Audiovox”), or its attorneys, show cause before this Litigation Coordinating Panel (the “Panel”), at the Courthouse, located at 60 Centre Street, New York, New York, on the ____ day of November, 2002, at 9:30 a.m., or as soon thereafter as counsel can be heard, why an appropriate Order should not be entered, pursuant to Section 202.69 of the Uniform Rules of the Trial Courts, coordinating the proceedings in the following three actions (collectively, the “Subject Actions”), including without limitation an Order transferring to New York County for pre-trial proceedings the Subject Action not currently pending in New York County, on the grounds that the Supreme Court, New York County, has already considered the issues and rendered decisions which would be affected by further proceedings in the Subject Actions and that all of the Subject Actions involve substantially the same parties, subject matter and factual and legal issues, and granting such other and further relief as the Court may deem just and proper:

a) *Zurich American Insurance Company v. Audiovox Corp., et al.*, Index No. 01-603668, New York Supreme, New York County (Hon. Helen E. Freedman) (the “First Manhattan Action”);

b) *Zurich American Insurance Company v. Audiovox Corp., et al.*, Index No. 02-603996, New York Supreme, New York County (Hon. Helen E. Freedman) (the above-captioned action, referred to herein as the “Second Manhattan Action”); and

c) *Audiovox Corp., et al. v. Zurich American Insurance Company*, Index No. 02-26353, New York Supreme, Suffolk County (Hon. James Catterson) (the “Suffolk Action”);

And, it is further ordered that opposition papers, if any, shall be served on counsel for all parties in each of the Subject Actions such that they are received no later than November ___, 2002, and that reply papers, if any, shall be served on counsel for all parties in each of the Subject Actions such that they are received no later than November ___, 2002;

And, sufficient cause appearing therefore, it is further ordered that all pre-trial court proceedings in each of the Subject Actions are hereby stayed pending the hearing and disposition of this application by the Panel;

And, sufficient cause appearing therefore, let service of a copy of this order to show cause, together with the papers on which it is granted, on the attorneys for each of the parties in each of the Subject Actions, and on each Justice of the Supreme Court to whom one or more of the Subject Actions has been assigned, by hand delivery or overnight delivery service on or before November ___, 2002, be deemed good and sufficient service thereof.

ENTER

11/20/2002

J.S.C.

*Declined
Party/parties
is/are directed
to file CPLR
602
motion to
consolidate
1/3*