

**STATE OF NEW YORK  
LITIGATION COORDINATING PANEL**

**Panel Case No. 0003/2002**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
JOSEPH PISCIONARI and CHRISTINA  
PISCIONARI, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

- against -

COMMONWEALTH LAND TITLE  
INSURANCE COMPANY,

Defendant.  
-----X

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
MICHAEL J. SCUORZO and DONNA J.  
SCUORZO, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

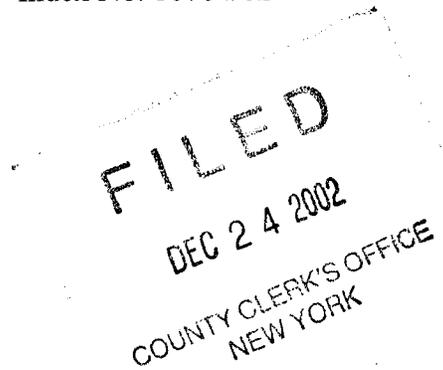
- against -

LAWYERS TITLE INSURANCE  
CORPORATION,

Defendant.  
-----X

Assigned to Justice Warshawsky

Index No. 10764/02



Assigned to Justice Nastasi

Index No. 11214/02

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
ROSA SMAJLAJ and LAZDER SMAJLAJ,  
on behalf of themselves and all others similarly  
situated,

Index No. 232497/02

Plaintiffs,

- against -

FIRST AMERICAN TITLE INSURANCE  
COMPANY OF NEW YORK,

Defendant.

-----X

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
ADAM GOOD, on behalf of himself and all  
others similarly situated,

Assigned to Justice Warshawsky

Index No. 10335/02

Plaintiff,

- against -

AMERICAN PIONEER TITLE INSURANCE  
COMPANY,

Defendant.

----- X

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

----- X

SCOTT WILLIAMS, SUSAN WILLIAMS,  
f/k/a SUSAN DiPAOLA, JAMES SMITH,  
and SUSAN S. SMITH, on behalf of themselves  
and all others similarly situated,

Assigned to Justice Minardo

Index No. 12227/02

Plaintiffs,

- against -

FIDELITY NATIONAL TITLE  
INSURANCE COMPANY OF NEW YORK,

Defendant.

----- X

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

----- X

JOHN E. LAWLOR, on behalf of himself  
and all others similarly situated,

Assigned to Justice Warshawsky

Index No. 10467/02

Plaintiff,

- against -

NATIONAL TITLE INSURANCE  
COMPANY OF NEW YORK, INC.,

Defendant.

----- X

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

----- X  
ELIZABETH WERTER, on behalf of herself  
and all others similarly situated,

Index 014958/02

Plaintiff,

- against -

CHICAGO TITLE INSURANCE COMPANY  
OF NEW YORK, INC.,

Defendant.

-----X

## **DECISION**

Defendants in these seven actions have applied for an Order of Coordination pursuant to Section 202.69 of the Uniform Rules for the Trial Courts. These cases have been commenced as class actions in four different counties. Four of the actions were filed in Nassau County. Defendants request that the coordination take place in New York County.

In all seven actions, the plaintiffs assert claims for violation of GBL § 349, common law fraud, and unjust enrichment premised upon allegations that defendants, title insurance companies, failed to make available to plaintiffs, or to reveal to them the availability of, title insurance at reduced premiums in transactions for the refinancing of mortgages. At issue is whether defendants have charged plaintiffs premiums in excess of rates provided for in a manual issued by the Title Insurance Rate Service Association.

The Litigation Coordinating Panel has considered the arguments of the parties presented in their thorough papers and forcefully and ably articulated by counsel at oral argument. The Panel has

weighed these contentions in light of the considerations set forth in Section 202.69 (b) (3). The Panel concludes that the application should be granted.

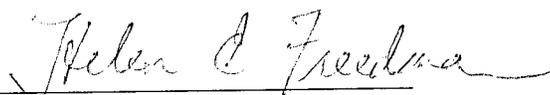
Although the parties are different, the cases pose common questions of law, as plaintiffs themselves concede. While details of each each case may differ the factual contexts are similar. To the extent that a particular case may present a unique issue of fact, the Coordinating Justice will be able to address that issue so as to preserve the rights of the parties while at the same time facilitating efficiency of discovery for all parties. Coordination will also promote consistency in the application of law to common legal issues.

The Panel directs that coordination take place in Nassau County. Four of the seven actions were commenced there. Although defendants vigorously challenge venue in four of the seven actions, including two of the Nassau cases, locating the cases there would clearly present no significant burden for the parties or counsel. Nassau County has a Commercial Division, which would be well suited to these actions. Given the nature of the insurance at issue in the cases, the Justices of Nassau County are likely to have a particular familiarity with and expertise in the subject matter of the cases.

Accordingly, the application is granted and coordination is directed before a Justice of the Supreme Court of the State of New York, Nassau County. Pursuant to Section 202.69 (c) (1), the Administrative Judge of the Tenth Judicial District, the Honorable Edward G. McCabe, shall

designate the Coordinating Justice. This constitutes the decision of the Panel. An appropriate order will issue.

Dated: November 26, 2002



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HON. HELEN E. FREEDMAN  
Presiding Justice, First Department

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HON. RAYMOND E. CORNELIUS  
Justice, Fourth Department

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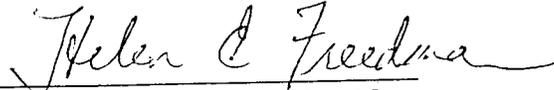
HON. E. MICHAEL KAVANAGH  
Justice, Third Department

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HON. JOSEPH J. MALTESE  
Justice, Second Department

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Presiding Justice, First Department



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Justice, Fourth Department

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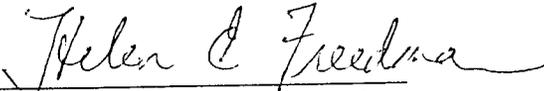
HON. E. MICHAEL KAVANAGH  
Justice, Third Department

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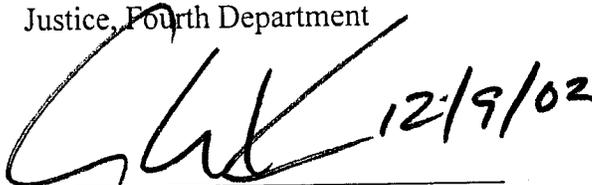
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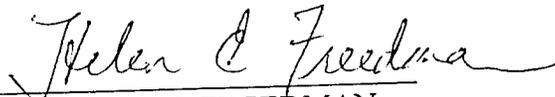
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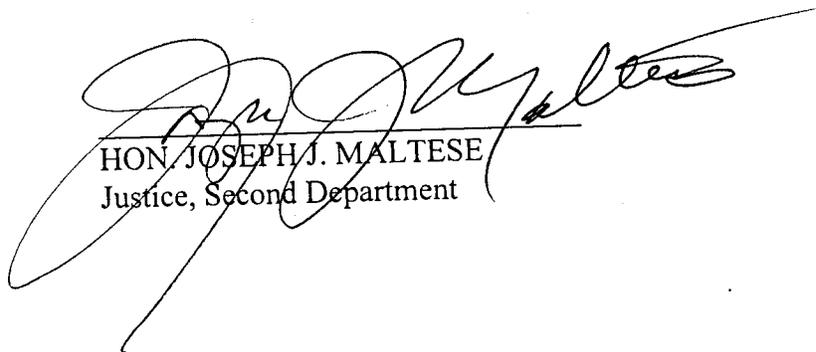
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Justice, Second Department