

**STATE OF NEW YORK
LITIGATION COORDINATING PANEL**

PANEL CASE NUMBER 001/2002

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H&P LUMBER AND MATERIAL, INC.
d/b/a KING LUMBER,

Action No. 1

Plaintiff,

Supreme Court, Westchester County
Index No. 19792/2001

- against -

133 MONTGOMERY STREET ASSOCIATES,
LTD., 100 WOODRUFF AVENUE ASSOCIATES,
LTD and D'ALESSIO ENTERPRISES, LLC,

Defendants.

-----X
H&P LUMBER AND MATERIAL, INC.
d/b/a KING LUMBER,

Action No. 2

Plaintiff,

Supreme Court, Westchester County
Index No. 19793/2001

- against -

121 MONTGOMERY ASSOCIATES, LTD.
and D'ALESSIO ENTERPRISES, LLC,

Defendants.

-----X
H&P LUMBER AND MATERIAL, INC.
d/b/a KING LUMBER,

Action No. 3

Plaintiff,

Supreme Court, Westchester County
Index No. 03824/2002

- against -

MICHAEL D'ALESSIO,

Defendant.

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H&P LUMBER AND MATERIAL, INC.
d/b/a KING LUMBER,

Action No. 4

Plaintiff,

Supreme Court, Bronx County
Index No. 28694/2001

- against -

3100 TREMONT ASSOCIATES
and D'ALESSIO ENTERPRISES, LLC,

Defendants.
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ORDER OF COORDINATION

All parties in the actions listed above having applied to the Litigation Coordinating Panel, pursuant to Section 202.69 of the Uniform Rules for the Trial Courts and the Interim Procedures of the Panel (dated May 29, 2002), by joint application dated August 14, 2002, for an order directing consolidation of the actions in the Supreme Court of Westchester County, and due deliberation having been had, and it appearing to the Panel, as set forth in an accompanying Decision, that an appropriate Order should issue, it is therefore

ORDERED that coordination proceedings pursuant to Section 202.69 shall take place in the four actions listed above; and it is further

ORDERED that said coordination shall take place before a Coordinating Justice in Supreme Court, Westchester County, with said Coordinating Justice to be appointed by the Administrative Judge of the Ninth Judicial District pursuant to Section 202.69 (c) (1); and it is further

ORDERED that the Clerk of the Panel shall forthwith transmit a copy of the Decision of the Panel and this Order to counsel for all parties herein, the Honorable Louis A. Barone, to whom Action No. 3 is assigned, and the Honorable Francis A. Nicolai, Administrative Judge of the Ninth Judicial District, and it is further

ORDERED that, within 30 days from receipt of a copy of this Order, counsel for the plaintiff shall serve a copy of the Panel's Decision and this Order upon the Clerk of the Supreme Court, Bronx County, who is directed to transmit the file in Action No. 3 to the Clerk of the Supreme Court, Westchester County, and it is further

ORDERED that this Order shall not preclude the parties from making an appropriate application to consolidate the four actions into one in Westchester County pursuant to Section 602 of the Civil Practice Law and Rules.

Dated: September 17, 2002



HON. HELEN E. FREEDMAN
Presiding Justice, First Department


HON. RAYMOND E. CORNELIUS
Justice, Fourth Department

HON. E. MICHAEL KAVANAGH
Justice, Third Department

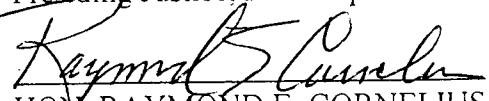
HON. JOSEPH J. MALTESE
Justice, Second Department

ORDERED that this Order shall not preclude the parties from making an appropriate application to consolidate the four actions into one in Westchester County pursuant to Section 602 of the Civil Practice Law and Rules.

Dated: September 17, 2002



HON. HELEN E. FREEDMAN
Presiding Justice, First Department




HON. RAYMOND E. CORNELIUS
Justice, Fourth Department

HON. E. MICHAEL KAVANAGH
Justice, Third Department

HON. JOSEPH J. MALTESE
Justice, Second Department

ORDERED that this Order shall not preclude the parties from making an appropriate application to consolidate the four actions into one in Westchester County pursuant to Section 602 of the Civil Practice Law and Rules.

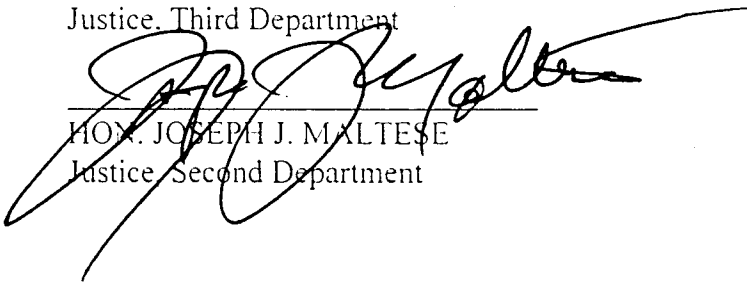
Dated: September 17, 2002



HON. HELEN E. FREEDMAN
Presiding Justice, First Department

HON. RAYMOND E. CORNELIUS
Justice, Fourth Department


HON. E. MICHAEL KAVANAGH
Justice, Third Department



HON. JOSEPH J. MALTESE
Justice, Second Department

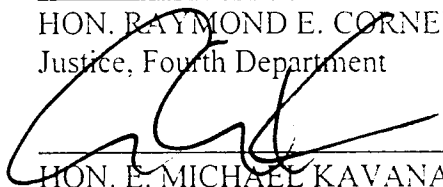
ORDERED that this Order shall not preclude the parties from making an appropriate application to consolidate the four actions into one in Westchester County pursuant to Section 602 of the Civil Practice Law and Rules.

Dated: September 17, 2002



HON. HELEN E. FREEDMAN
Presiding Justice, First Department

HON. RAYMOND E. CORNELIUS
Justice, Fourth Department



HON. E. MICHAEL KAVANAGH
Justice, Third Department

HON. JOSEPH J. MALTESE
Justice, Second Department