

Nash v Port Auth.

2012 NY Slip Op 33401(U)

May 11, 2012

Sup Ct, New York County

Docket Number: 129074/93

Judge: Milton A. Tingling

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: TON. MILTON A. TINGLING
J.S.C. Justice

PART 44

Nash
-v-
Port Authority

INDEX NO. 125074/93
MOTION DATE 11/28/11
MOTION SEQ. NO. 25

The following papers, numbered 1 to _____, were read on this motion to/for _____
Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ | No(s). _____
Answering Affidavits — Exhibits _____ | No(s). _____
Replying Affidavits _____ | No(s). _____

Upon the foregoing papers, it is ordered that this motion is

The Port Authority moves for an Order vacating, or setting aside, a judgment rendered by jury verdict.

Since the time of that verdict the Court of Appeals has decided the matter of *In re Matter of World Trade Bombing Center Litigation, Steering Committee et. al. v. The Port Authority of New York and New Jersey*, 17 N.Y.3d 428, 933 N.Y.S.2d 164 (“Ruiz”). The Court of Appeals held that the governmental immunity doctrine requires us to find the Port Authority insulated from tortious liability.

The plaintiff in this action submits to this court that footnote number seven, which reads “The request of Linda Nash, Plaintiff in one of the other actions, to present argument on this appeal, was granted. The Nash action, however, is beyond the scope of this appeal. A judgment in the Nash action was recently affirmed by the Appellate Division.” Mandates that the motion be denied and the judgment left to stand. The holding in *Ruiz* specifically eviscerates any judgment, holding or finding of liability involving tortious liability on behalf of the Port Authority in the 1993 World Trade Center bombing

Accordingly the Port Authority motion is granted, the judgment vacated and the complaint dismissed as against the defendant Port Authority.

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

FILED

MAY 15 2012

Dated: 5/11/12

mt, J.S.C.

NEW YORK COUNTY CLERK'S OFFICE

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
- 3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
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