

PART 15

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

Case Disposed ☐
Settle Order ☐
Schedule Appearance ☐

-----X
NEW ENGLAND RETAIL EXPRESS,

Index No. 0024510/2013E

-against-

Hon. MARYANN BRIGANTTI,

LEAHY, BETTE

Justice.

-----X

The following papers numbered 1 to 2 Read on this motion, DISMISSAL

Noticed on December 16 2014 and duly submitted as No. _____ on the Motion Calendar of _____

	PAPERS NUMBERED	
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	1	2
Answering Affidavit and Exhibits		
Replying Affidavit and Exhibits		
_____ Affidavits and Exhibits		
Pleadings - Exhibit		
Stipulation(s) - Referee's Report - Minutes		
Filed Papers		
Memoranda of Law		

Upon the foregoing papers this

Defendant's unopposed motion to dismiss the plaintiff's second cause of action, asserting copyright infringement, is granted on default, and that cause of action is dismissed, pursuant to CPLR 3211(a)(2). The Court lacks subject matter jurisdiction over this claim, since it falls under the exclusive jurisdiction of the Federal Courts (17 U.S.C. §301[a]).

This constitutes the Decision and Order of this Court.

Motion is Respectfully Referred to:

Justice: _____

Dated: _____

Dated: 2, 23, 15

Hon. 