

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ORLEANS

LYNDONVILLE CENTRAL SCHOOL
DISTRICT and LYNDONVILLE
ELEMENTARY SCHOOL,

Plaintiffs,

vs.

UTICA MUTUAL INSURANCE COMPANY,
GRAPHIC ARTS MUTUAL INSURANCE
COMPANY, UTICA NATIONAL
ASSURANCE COMPANY, AB 511 DOE, and
AB 524 DOE

Defendants.

NOTICE OF MOTION

Index No.: E23-01101

PLEASE TAKE NOTICE:

MOTION MADE BY:

Leah Costanzo, Esq., Steve Boyd, P.C.,
Attorneys for defendants AB 511 Doe and
AB 524 Doe.

DATE, TIME AND PLACE:

Returnable on the ____ day of _____,
2023, at Erie County Supreme Court, before
Hon. _____.

SUPPORTING PAPERS:

Affirmation in support of the motion by
Leah Costanzo, Esq., with exhibits.

RELIEF REQUESTED:

Dismissal of plaintiffs' Complaint pursuant
to New York Insurance Law §3420 and First
State Ins. Co. v. J&S United Amusement
Corp., 67 N.Y.2d 1044 (1986), or in the
alternative, an order staying the action.

GROUND FOR RELIEF SOUGHT:

CPLR §3211(a)(1).

NATURE OF ACTION:

Declaratory judgment action.

ORAL ARGUMENT:

Requested.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR §2214(b), answering affidavits, if any, must be served at least seven (7) days before the return date of this motion.

DATED: November 1, 2023

/s/ Leah Costanzo

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And AB 524 Doe*
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