

At an I.A.S. Trial Term, Part ⁹⁴ of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 13 day of Dec 2019

P R E S E N T :

Hon. Fisher
Justice

Renee Eubanks

Plaintiff(s)

Cal. No.

Index No. 523461/17

- against -

New York Property Insurance Underwriters Association Defendant(s)

The following papers numbered 1 to read on this motion Papers Numbered

Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed	
Answering Affidavit (Affirmation)	
Reply Affidavit (Affirmation)	
_____ Affidavit (Affirmation)	
Pleadings - Exhibits	
Stipulations - Minutes	
Filed Papers	

Handwritten initials

It's motion to dismiss the Δ's 9th and 11th affirmative defenses is denied pursuant to CPLR § 3211(b). Under 3211(b), the standard of review is akin to that used under 3211(a)(7), i.e., whether there is any legal or factual basis for the assertion of the defense. It has not met their burden in establishing that Δ's 9th and 11th affirmative defenses are without merit as a matter of law.

For Clerks use only
MG _____
MD
Motion Seq. # _____

EJV-rev 11-04

ENTER

J.S.C.
HON. PAMELA L. FISHER

2019 DEC 17 AM 8:15