

**SUMMARY STATEMENT ON APPLICATION FOR  
EXPEDITED SERVICE AND/OR INTERIM RELIEF  
(SUBMITTED BY MOVING PARTY)**

Date July 19, 2017

Title In Re: New York City Asbestos Litigation (NYCAL) Index/Indict # 40000/1988, 782000/2017  
of This Document Relates to: ALL CASES  
Matter \_\_\_\_\_

Appeal order of Supreme County New York  
by Defendants from \_\_\_\_\_ Court entered on June 23, 2017

Name of Judge Peter H. Moulton Notice of Appeal filed on July 14, 2017

If from: administrative determination, state agency

Nature of action or proceeding These actions seemingly all involve alleged personal injuries or wrongful deaths relating to alleged exposures to asbestos or asbestos-containing materials.

Provisions of order judgment appealed from Appealed in whole.  
decree

This application by appellant respondent is for a stay of the new case management order issued by the  
the Hon. Peter H. Moulton on June 20, 2017 (the "New CMO") pending defendants-appellants appeal. Defendants-  
appellants also seek an emergency interim stay of the New CMO pending resolution of this motion.

If applying for a stay, state reason why requested The New CMO improperly deprives defendants-appellants of their  
constitutional and statutory rights without their consent. In particular, the New CMO explicitly purports to  
override the CPLR, while ending the deferral of punitive damages claims in NYCAL.

Has any undertaking been posted No. If "yes", state amount and type \_\_\_\_\_

Has application been made to court below for this relief Yes. If yes, state Disposition Supreme Court declined to sign order to show cause  
Has there been any prior application herein in this court No. If "yes", state dates and nature \_\_\_\_\_

Has adversary been advised of this application Yes. Does he/she consent No.

Attorney for Movant

Attorney for Opposition

Name PILLSBURY WINTHROP SHAW PITTMAN LLP

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Appearing by E. Leo Milonas

~~Alan Golanski~~ Seth A. Dymond

David G. Keyko

(see Schedule A to Affirmation of David G.

Joshua I. Schlenger

Keyko for additional attorneys for opposition)

Saverino Mercadante

(see Notice of Motion for additional attorneys

for movants)

(Do not write below this line)

DISPOSITION

Stay is granted pending decision of the  
motion by the full bench except that:  
1) if any case is scheduled for trial during the pendency  
of the motion, a plaintiff may assert a claim  
for punitive damages pursuant to P 7(c); but  
2) no case in which a plaintiff asserts such  
a claim shall go to trial during the  
pendency of the motion.

[Signature] 7-19-17  
Justice Date

Motion Date 8/14 Opposition 8/2 Reply 8/11

EXPEDITE  PHONE ATTORNEYS DECISION BY

JF  
Court Attorney

ALL PAPERS TO BE SERVED PERSONALLY.