

Short Form Order and Judgment

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE JAIME A. RIOS
Justice

IA PART 8

LIBERTY MUTUAL INSURANCE COMPANY, X
Petitioner,
_____- against -
FANNY TIGRE and TERESA HERNANDEZ,

Respondents,
- and -
JOHANNA MARTINEZ,
Proposed Add'l. Respondent.
_____ X

Index
Number 14682/04
Motion
Date September 1, 2004
Motion
Cal. Number 20

The following papers numbered 1 to 7 were read on this amended notice of petition and petition by the petitioner, pursuant to CPLR article 75, seeking to permanently stay the arbitration demanded by the respondents or alternative relief.

	<u>Papers Numbered</u>
Notice of Petition - Affidavits - Exhibits	1-4
Answering Affidavits - Exhibits	5-7

Upon the foregoing papers it is ordered that the amended notice of petition and petition are determined as follows:

The threshold issue presented in this proceeding to permanently stay an arbitration for uninsured motorist insurance benefits is whether service of the original petition and amended notice of petition and petition were jurisdictionally defective.

The genesis of the controversy was a letter dated October 4, 2002, wherein the attorney for the respondents Fanny Tigre and Teresa Hernandez (the respondents), advised the petitioner Liberty Mutual Insurance Company (Liberty Mutual), of the respondents' notice of intention to make a claim for

Supreme Judgment

ML Yell



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Table of Contents Supreme Judgment

1. Understanding the eBook Supreme Judgment
 - The Rise of Digital Reading Supreme Judgment
 - Advantages of eBooks Over Traditional Books
2. Identifying Supreme Judgment
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Supreme Judgment
 - User-Friendly Interface
4. Exploring eBook Recommendations from Supreme Judgment
 - Personalized Recommendations
 - Supreme Judgment User Reviews and Ratings
 - Supreme Judgment and Bestseller Lists
5. Accessing Supreme Judgment Free and Paid eBooks
 - Supreme Judgment Public Domain eBooks
 - Supreme Judgment eBook Subscription Services
 - Supreme Judgment Budget-Friendly Options

6. Navigating Supreme Judgment eBook Formats
 - ePub, PDF, MOBI, and More
 - Supreme Judgment Compatibility with Devices
 - Supreme Judgment Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Supreme Judgment
 - Highlighting and Note-Taking Supreme Judgment
 - Interactive Elements Supreme Judgment
8. Staying Engaged with Supreme Judgment
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Supreme Judgment
9. Balancing eBooks and Physical Books Supreme Judgment
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Supreme Judgment
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Supreme Judgment
 - Setting Reading Goals Supreme Judgment
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Supreme Judgment
 - Fact-Checking eBook Content of Supreme Judgment
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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