

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

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