

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 9, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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In re: New York City Asbestos Litigation

Ruby E. Konstantin, etc.,
Plaintiff-Respondent,

-against-

630 Third Avenue Associates, et al.,
Defendants,

M-3876
M-3963
M-3964
M-4003
M-5886

Tishman Liquidating Corporation,
Defendant-Appellant.

Index Nos. 190134/10
190196/10

Doris Kay Dummitt, etc.,
Plaintiff-Respondent,

-against-

A.W. Chesterton, et al.,
Defendants,

Crane Co.,
Defendant-Appellant.
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Defendant-appellant Tishman Liquidating Corporation, having moved for reargument of or in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 3, 2014 (Appeal No. 11498/11499/11500) [M-3876],

And defendant-appellant Crane Co. having moved for leave to leave to appear amicus curiae in connection with the aforesaid motion (M-3963),

And the Coalition for Litigation Justice, Inc. ("Coalition") having moved for leave to file a brief amicus curiae in connection with the aforesaid motion (M-3964),

And Burnham LLC having moved for leave to file a brief amicus curiae in connection with the aforesaid motion (M-4003),

And Colgate-Palmolive Co.1 having moved for leave to file a brief amicus curiae in connection with the aforesaid motion (M-5886),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motion to the extent it seeks reargument is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the judgments of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion (M-3876).

It is further ordered that the motions for leave to file a brief amicus curiae in connection with the aforesaid motion are granted (M-3963/M-3964/M-4003/M-5886).

ENTER:


CLERK