

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 June 2, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Karla Moskowitz
Leland G. DeGrasse, Justices.

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Raymond Finerty, et al.,
Plaintiffs-Respondents,

-against-

Abex Corporation, formerly known as
American Brake Shoe Company, et al.,
Defendants,

M-935
M-1070
M-1126
Index No. 190187/10

Ford Motor Company, Ltd.,
Defendant-Appellant.

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Raymond Finerty, et al.,
Plaintiffs-Respondents,

-against-

Abex Corporation, et al.,
Defendants,

Ford Motor Company,
Defendant-Appellant.

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Chamber of Commerce of the
United States of America,
Amicus Curiae.

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Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2015 (Appeal Nos. 14343 and 14344),

And plaintiffs-respondents having cross-moved (M-1070) to vacate a stay of trial granted by an order of this Court dated December 2, 2014 (M-5521, M-5522),

And the Chamber of Commerce of the United States of America having moved for leave to appear amicus curiae in connection with the motion (M-1126),

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

It is ordered that defendant-appellant's motion (M-935) 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, unanimously reversing the order of the 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, and it is further,

Ordered that plaintiffs-respondents' cross motion (M-1070) to vacate the aforesaid stay of trial pending hearing and determination of this appeal is denied as academic. The Chamber of Commerce of the United States of America's motion for leave to appear amicus curiae on the motion is granted (M-1126).

ENTER:



CLERK