

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: JEFFREY K. OING J.S.C. Jeffrey K. Oing Justice

PART 48

Wonder Works Construction

INDEX NO. 652009/15

MOTION DATE

N. Sampogna & Son Corp.

MOTION SEQ. NO. 003

The following papers, numbered 1 to , were read on this motion to/for

Notice of Motion/Order to Show Cause — Affidavits — Exhibits No(s).

Answering Affidavits — Exhibits No(s).

Replying Affidavits No(s).

Upon the foregoing papers, it is ordered that this motion is

Mtn to serve an amended answer asserting 7 counterclaims is granted to the extent of permitting the 5th counterclaim to be interposed. & denied as to the 1st, 2d, 3d, 4th & 6th counterclaim. That denial is based on the fact that the allegations supporting those counterclaims are palpably insufficient at this juncture given the existence of the 12/17/13 K amendment. Subject to discovery, A, if it is so inclined, may move to serve a second amended answer. The 7th counterclaim is withdrawn. The basis for this decision/order set forth in the 9/21/16 record, which is incorporated herein for all purposes.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: 9/21/16

Signature of Jeffrey K. Oing, J.S.C.

- 1. CHECK ONE: CASE DISPOSED
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED, DENIED, GRANTED IN PART, OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER, SUBMIT ORDER, DO NOT POST, FIDUCIARY APPOINTMENT, REFERENCE