

PRESENT:

Hon. Jacqueline W. Silbermann  
Justice.

SUSAN CHARNEY

Plaintiff, *SUSAN CHARNEY*  
vs.  
Defendants: *NORTH JERSEY TRADING CORPORATION*  
MAY 11 1990  
SUPPORT OFFICE

INDEX NUMBER 24517/88

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. 013 & 014

TRIAL CAL. NO. \_\_\_\_\_

— ~~Plaint~~ —

NORTH JERSEY TRADING CORPORATION

The following papers numbered 1 to \_\_\_\_\_ read on this motion to \_\_\_\_\_

**FILED**

MAY 24 1990  
COUNTY CLERK'S OFFICE  
NEW YORK  
PAGES REFERRED  
1-2  
3-5  
6-9a  
10-15  
16-19

<sup>013</sup> Notice of Motion/Order to Show Cause - Affidavits - Exhibits

<sup>014</sup> Answering Affidavits - Exhibits

Repeating Affidavits

*rewards*

Based upon the prior proceedings and various order of this court and other Justices of this court which are matters of record and need not be detailed here, there are two motion before this court by the defendants for leave to reargue the decision and order dated March 8, 1989 which, inter alia, directed a traverse hearing on the jurisdictional issue, granted plaintiff leave to amend the complaint and obtain discovery (subject to the traverse), and denied the cross-motion to dismiss.

The individual defendant, Fried and the three defendants, Herskowitz, have informed this court of their withdrawal of their motion to renew, reargue and to vacate order (#012), which was returnable on May 9, 1989. This court grants their written application and permits their motion to be withdrawn.

Dated May 8, 1990

*[Handwritten Signature]*

J.S.C.

~~Trading Corp. (North Jersey) for leave to reargue (#011). Though North Jersey is named as a party in the amended pleading and as a party in the original pleading, it is neither a necessary party nor a party against whom there is asserted any right to relief from (CPLR 1001, CPLR 1002). To repeat "Plaintiff's papers, at best, state a claim for a stock interest in a corporation which owns realty" (order dated March 29, 1990, p. 3).~~

As North Jersey is only a nominal party, its motion for leave to reargue the decision and order of this court dated March 8, 1989 is denied.

The order dated March 8, 1989 is amended substituting the following for the language at the top of page 2, as follows: The court sets those parts of the motions which relate to service of the Orders to Show Cause on all defendants down for a traverse hearing to be held at IAS Part 34 (Gangel-Jacob, J.), 80 Centre Street, Room 298 on a date to be scheduled with the Clerk of Part 34 at 374-5688. The order is further amended by deleting the sentences starting from the words "However, the court... through the citation of Hammett v. Hammett".

The foregoing constitutes the decision and order of this court.

Dated: New York, New York  
May 8, 1990

\_\_\_\_\_  
A.J.S.C.

