

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: Hon. LOUIS B. YORK
Justice

PART 2

-----X
In Re: New York City Asbestos Litigation
IGNACIO COLLURA, ET AL,

Plaintiffs,

-against-

A.O. SMITH WATER PRODUCTS, ET AL
Defendants.

Index No. 112742/04
Motion Date 09/22/05
Motion Seq. No. 044
Motion Cal. No.

-----X
The following papers, numbered 1 to were read on this motion for Frye Hearing

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits _____

Answering Affidavits — Exhibits _____

Replying Affidavits _____

| PAPERS NUMBERED
| _____
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Cross-Motion: Yes No

Upon the foregoing papers, it is ordered that this motion is denied as the parties have been told both at the preliminary conference and by order posted on the asbestos website to proceed by Order to Show Cause by September 2, 2005. This case came from Motion Support yesterday. The trial starts tomorrow and it is too late to entertain this motion. Nevertheless, the issues raised here will most likely be decided as other defendants have challenged the propriety of Drs. Longo and Hatfield to display their test and testify to its

results and their conclusions.

Dated: September 26, 2005

Enter:

Louis B. York, J.S.C.

Check one: **FINAL DISPOSITION** **NON-FINAL DISPOSITION**

Appearances:

For the Plaintiff: Belluck and Fox, Esqs.
295 Madison Avenue 37th Floor
New York, NY
By: Jordan Fox

For Defendant
(Goulds Pumps, Inc.): Cullen & Dykman, LLP
177 Montague Street
Brooklyn, NY 11201
By: Theodore Eder & John J. Burbridge, Esqs.