

K2 Investment Group, LLC v American Guarantee & Liability Ins. Co.

2010 NY Slip Op 33801(U)

June 23, 2010

Sup Ct, New York County

Docket Number: 117902/09

Judge:

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

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K2 INVESTMENT GROUP, LLC and ATAS
MANAGEMENT GROUP, LLC,

Index No. 117902/09 E

Plaintiffs,

JUDGMENT

-against-

AMERICAN GUARANTEE AND LIABILITY
INSURANCE CO.,

Defendant.

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The defendant, having moved for summary judgment as to all causes of action in the complaint herein by notice dated May 10, 2010, upon the affirmation of Ronald W. Weiner, dated May 10, 2010, the exhibits annexed thereto, the Statement of Material Facts pursuant to Commercial Division Rule 19-a dated May 10, 2010, the accompanying Memorandum of Law dated May 10, 2010, and upon the pleadings and proceedings theretofore had herein; and the plaintiffs having cross-moved for summary judgment as to all causes of action by notice of cross-motion dated May 21, 2010, upon the affirmation of Michael A. Haskel, dated May 21, 2010, the exhibits annexed thereto, the Statement of Material Facts pursuant to Commercial Division Rule 19-a dated May 21, 2010, the accompanying Memorandum of Law dated May 21, 2010, and upon the pleadings and proceedings theretofore had herein, all of which were also submitted in opposition to the defendant's motion along with plaintiffs' response to defendant's Statement of Material Facts dated May 21, 2010, and the defendant having submitted on June 7, 2010 a Reply Memorandum of Law, and a response to plaintiffs' Statement of Material Facts, and the motion

and cross-motion having come on to be heard before this Court on June 9, 2010, and having been orally argued; and the Court having denied the defendant's motion as to the first and second causes of action and having granted the plaintiffs' cross-motion as to those claims to the extent of awarding the plaintiffs a money judgment in the sum of TWO MILLION DOLLARS (\$2,000,000.00), together with appropriate interest, costs and disbursements; and the Court having granted the defendant's motion as to the third and fourth causes of action and denied the plaintiffs' cross-motion as to those claims,

NOW, upon request of Law Offices of Michael A. Haskel, attorneys for plaintiffs K2 INVESTMENT GROUP, LLC and ATAS MANAGEMENT GROUP, LLC, it is

~~ORDERED~~ and ADJUDGED, that the plaintiff, K2 INVESTMENT GROUP, LLC ("K2"), having a principal place of business at 60 Genessee Trail, Westfield, New Jersey, recover and have judgment against defendant, AMERICAN GUARANTEE AND LIABILITY INSURANCE CO., 1400 American Lane, Schaumburg, Illinois 60196-1056, in the sum of

_____ , ~~including~~

~~a portion of the above referenced money judgment in the amount of \$1,311,284.00, and interest from October 2, 2009, the date of entry of the default judgment against the defendant's insured in K2 Investment Group, LLC et ano. v. Daniels et al., Supreme Court, County of Nassau, Index No. 883/2009, through June 23, 2010, in the sum of \$ 85,359¹², together with costs and disbursements of \$ 687⁰⁰ as taxed by the Court, and that K2 have execution therefor; and it is further~~
ON THE TOTAL OF 1,397,330¹²

ORDERED and ADJUDGED, that the plaintiff, ATAS MANAGEMENT GROUP, LLC ("ATAS"), having a principal place of business at 229 West 105¹⁰⁰²⁵th Street, Suite #1, New York, New York, recover and have judgment against defendant, AMERICAN GUARANTEE AND

LIABILITY INSURANCE CO., 1400 American Lane, Schaumburg, Illinois 60196-1056, in the sum of _____, including a portion of the above-referenced money judgment in the amount of \$688,716.00, less the deductible of \$5,000 in the relevant insurance policy, and interest from October 2, 2009, the date of entry of the default judgment against the defendant's insured in *K2 Investment Group, LLC et*

ano. v. Daniels et al., Supreme Court, County of Nassau, Index No. 883/2009, through June 23, 2010, in the sum of \$ 44,507⁷⁶, and that ATAS have execution therefor, and it is further

ON THE TOTAL OF 728,223⁷

~~ORDERED~~
ADJUDGED

that the defendant's motion for summary judgment on the third and fourth causes of action is granted and said causes of action are dismissed; and it is further

~~ORDERED~~
ADJUDGED

that the plaintiffs' cross-motion for summary judgment on the third and fourth causes of action is denied.

Judgment entered on this 23 day of JUNE, 2010.

FILED

ENTER,

Norman Goodman

JUN 23 2010

COUNTY CLERK'S OFFICE
NEW YORK

CLERK