

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. JENNIFER G. SCHECTER PART IAS MOTION 54EFM

Justice

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INDEX NO. 652036/2021

DURST BUILDINGS CORPORATION,

MOTION SEQ. NO. 001

Petitioner,

- v -

DECISION + ORDER

EDELMAN FAMILY CO. LLC,

Respondent.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 13, 14, 15, 17, 31, 32, 33

were read on this motion to/for DISSOLUTION

In response to the July 8, 2021 order (Dkt. 39), the parties do not dispute or object to dismissal of the first five causes of action in the petition due to lack of subject matter jurisdiction (see Dkts. 41, 42). Respondent has also withdrawn its counterclaims (see Dkt. 40). Petitioner consented to dismissal of the sixth cause of action without prejudice (see Dkt. 41 at 2). There is no basis to dismiss petitioner's claims with prejudice since this court lacks subject matter jurisdiction over them. Rather, the claims can and should proceed in Delaware.

Accordingly, it is ORDERED that the amended petition is dismissed without prejudice.

7/15/2021

DATE

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JENNIFER G. SCHECTER, J.S.C.

CHECK ONE:

[X] CASE DISPOSED

[] NON-FINAL DISPOSITION