

DISTRICT COURT OF THE COUNTY OF SUFFOLK, FIRST DISTRICT

Present:

HON. JAMES FLANAGAN  
JUDGE

Motion Date: 10-27- 2008

Slomins Inc.  
Plaintiff  
AGAINST

Jose Luis Correas  
Defendant

Upon the following papers numbered 1 to 8  
Read on this motion to strike complaint and motion to strike jury demand  
Notice of Motion/Order to Show Cause and supporting papers 1, 2  
Notice of Cross Motion and supporting papers \_\_\_\_\_  
Answering Affidavits and supporting papers 4, 5  
Replying Affidavits and supporting papers 7, 8  
Filed papers \_\_\_\_\_  
Other Exhibits (3) (6)

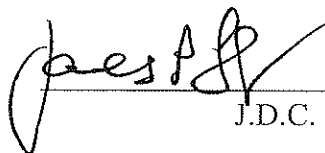
(and after hearing counsel in support of and opposed to the motion) it is,

**ORDERED** that this motion by the defendant to strike the complaint on the ground that the plaintiff has failed to adequately respond to defendant’s interrogatories is denied. It is the Court’s opinion that the plaintiff’s responses substantially comply to defendant’s interrogatories (See CPLR Article 31).

The plaintiff’s cross-motion to strike defendant’s jury demand is granted as the contract signed between the parties contains a jury waiver clause that is clear and unambiguous in its terms (see Franklin National Bank v. Capobianco 25 AD2d 445).

New Court Date: DEC 04 2008

Dated: 12-1-08

  
\_\_\_\_\_  
J.D.C. #82