

**SUPREME COURT OF THE STATE OF NEW YORK - NEW YORK COUNTY**  
**PRESENT: HON. ELLEN M. COIN PART 63**  
*A.J.S.C.*

\_\_\_\_\_  
Liberty Mutual Insurance Co.  
  
-v-

INDEX NO. 157089/2012  
MOTION DATE 3/20/2013  
MOTION SEQ. NO. 001  
E-FILED

Ronald L. Smith  
  
\_\_\_\_\_

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for\_

<u>Papers</u>	<u>Papers Numbered</u>
Notice of Motion/Order to Show Cause - Affidavits - Exhibits	<u>1</u>
Answering Affidavits - Exhibits	<u>2</u>
Reply Affidavits	<u>3</u>
Cross-Motion: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Upon the foregoing papers, it is hereby ADJUDGED that this petition is dismissed.

The issue of Liberty's entitlement to discovery is properly one to be addressed in the arbitration proceeding. The matter of disclosure is better handled directly between the parties in the arbitration rather than through resort to the courts. (*Matter of Geico General Ins. Co. v Schwartz*, 35 Misc 3d 1221(a)[Sup Ct, Kings County 2012]; *Matter of Hooper v Motor Veh. Acc. Indem. Corp.*, 42 Misc 2d 446, 447 [Sup Ct, New York County 1963]). Moreover, Liberty has not demonstrated that court-ordered disclosure in aid of arbitration is absolutely necessary for the protection of its rights or that extraordinary circumstances exist which necessitate such disclosure. (*Hendler & Murray v Lambert*, 147 AD2d 442, 443 [2<sup>nd</sup> Dept 1989]).

This constitutes the judgment of the Court.

Dated: 3/21/13

  
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Ellen M. Coin, A.J.S.C.

Check One:                     CASE DISPOSED