

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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JBGR LLC, ELLIOTT WR GOLF LLC,	:	
INSURE NEW YORK AGENCY LLC,	:	
HURNEY WR GOLF LLC, DEMPSEY WR	:	Index No. 35140/2011
GOLF LLC and WALSH WR GOLF LLC,	:	
	:	(Hon. Elizabeth H. Emerson)
Plaintiffs,	:	
	:	
- against -	:	PLAINTIFFS'
	:	<u>NOTICE OF CROSS-MOTION</u>
CHICAGO TITLE INSURANCE COMPANY,	:	
	:	
Defendant.	:	
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PLEASE TAKE NOTICE that, upon the annexed Affirmation of Brian H. Brick, dated February 15, 2017, and the exhibits thereto, the accompanying memorandum of law, and upon all prior pleadings and proceedings had herein, Plaintiffs JBGR LLC, Insure New York Agency LLC, Hurney WR Golf LLC, Dempsey WR Golf LLC and Walsh WR Golf LLC (“Plaintiffs”) will cross-move this Court at the Courthouse, located at One Court Street, Riverhead, New York, on April 3, 2017, at 9:30 a.m. or as soon thereafter as counsel may be heard, for a protective order, pursuant to CPLR Sections 3101(b), 3101(c), 3103(c), and 4503, (i) determining that Defendant’s Exhibit 5 (NYSCEF Doc. No. 47) that Defendant filed in connection with Motion Sequence 007 is protected from disclosure and use by the attorney-client privilege and the attorney work product doctrine, (ii) directing that the Clerk of the Court remove or protect NYSCEF Doc. No. 47 from public access and place such exhibit under seal, (iii) preventing Defendant’s further use of Defendant’s Exhibit 5 (or any additional copies or versions thereof) in this action, (iv) directing Defendant to return to Plaintiffs all copies of Defendant’s Exhibit 5 (and any additional copies or versions thereof) and to certify to Plaintiffs’

counsel the return and/or destruction of all such copies and versions of Defendant's Exhibit 5, (v) awarding Plaintiffs' their attorneys' fees and the costs of this cross-motion made necessary by Defendant's knowing and improper disclosure of a document being disputed as privileged from disclosure, and (vi) granting such other and further relief as the Court deems just or proper.

PLEASE TAKE FURTHER NOTICE pursuant to CPLR Rule 2214(b) and subsequent agreement of the parties, answering papers, if any, must be served upon the undersigned so as to be received no later than March 23, 2017.

Dated: New York, New York
February 16, 2017

MARC J. BERN & PARTNERS LLP

By: /s/ Brian H. Brick
Brian H. Brick, Esq.

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Dempsey WR Golf LLC and Walsh WR Golf
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