

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WESTERN WATERPROOFING COMPANY,  
INC. D/B/A WESTERN SPECIALTY  
CONTRACTORS,

Plaintiff,

v.

No. 20-cv-3199 (CM)

ZURICH AMERICAN INSURANCE  
COMPANY, ALLIED WORLD SPECIALTY  
INSURANCE COMPANY, ALLIED WORLD  
ASSURANCE COMPANY (U.S.) INC., BDG  
GOTHAM RESIDENTIAL, LLC, and ZDG,  
LLC,

Defendants,

and

STARR INDEMNITY & LIABILITY  
COMPANY, NAVIGATORS INSURANCE  
COMPANY, PHILADELPHIA INDEMNITY  
INSURANCE COMPANY and MARKEL  
AMERICAN INSURANCE COMPANY,

Intervening Defendants.

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BDG GOTHAM RESIDENTIAL, LLC  
and ZDG, LLC,

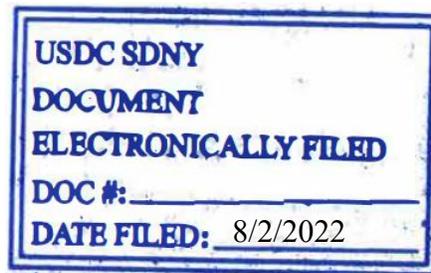
Counterclaim Plaintiffs,

v.

WESTERN WATERPROOFING COMPANY,  
INC. d/b/a WESTERN SPECIALTY  
CONTRACTORS,

Counterclaim Defendant.

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**ORDER**

McMahon, J.:

The Excess Insurers' motion to dismiss the crossclaims (Dkt. No. 194) is placed on the Court's suspense calendar pending the First Department's adjudication of the Excess Insurers' appeal of Justice Engoron's May 10, 2022, decision in *Starr Indemnity & Liability Company, et al. v Zurich American Insurance Company*, Index No. 656346/2020 (N.Y. Sup. Ct. New York Cnty.).

The Excess Insurers are directed to notify the Court by letter filed on the ECF when the First Department's decision issues.

Dated: August 2, 2022

A handwritten signature in black ink, appearing to read "Peter M. McMahon", written over a horizontal line.

U.S.D.J.

BY ECF TO ALL COUNSEL