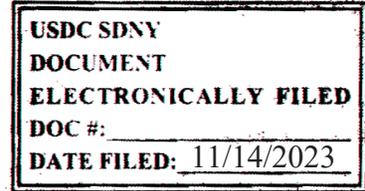


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**VICTOR’S CAFÉ 52ND STREET, INC., et al.,**

**Plaintiffs,**

**22-CV-07223 (ALC)(SN)**

**-against-**

**ORDER**

**THE TRAVELERS INDEMNITY COMPANY  
OF AMERICA,**

**Defendant.**

-----X

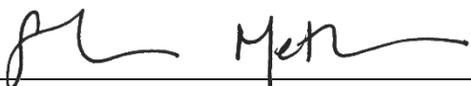
**SARAH NETBURN, United States Magistrate Judge:**

The parties are unable to agree on an umpire to assist with the appraisal of Plaintiff’s loss and accordingly request that the Court select one. Pursuant to New York Insurance Law § 3408, the Defendant is ORDERED to submit, no later than November 20, 2023, an application for the selection of an umpire to “a justice of the supreme court residing in the county or to a county judge of the county in which the lost or damaged property is or was located.”

Because the issue of the value of the loss remains in dispute, the parties are ORDERED to continue to exchange discovery. Defendant’s request to stay proceedings is DENIED. The parties shall file a joint status letter by January 5, 2024.

The Clerk of Court is requested to terminate the motion at ECF No. 44.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

DATED: November 14, 2023  
New York, New York