

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.

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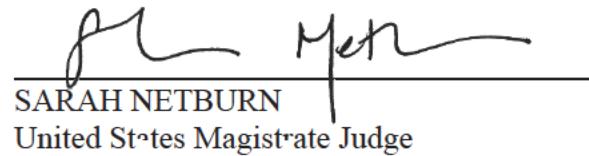
SARAH NETBURN, United States Magistrate Judge:

The Court previously directed the parties to select an umpire to assist with the appraisal process. The parties were unable to agree on an umpire, and accordingly requested that the Court select one. In briefing the issue of umpire selection, Plaintiff raised that the Court may not have jurisdiction to select an umpire, based on this provision of N.Y. Ins. § 3408: “Whenever application shall be made for the selection of an umpire pursuant to the provisions relating to appraisals contained in the standard fire insurance policy of the state of New York it shall be made 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.” ECF No. 48. Here, the umpire-selection provision in the insurance policy is the same, in substance, as the relevant provision in New York’s standard fire insurance policy. N.Y. Ins. § 3404(e); ECF No. 24, Ex. 1.

The parties are ordered to submit simultaneous letters by November 3, 2023, addressing whether the Court has jurisdiction to select an umpire, or whether the parties need to file an

application to a New York County Supreme Court justice. The parties' letters shall not exceed three pages.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: October 27, 2023
New York, New York