

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL CASUALTY COMPANY,

Plaintiff,

- against -

MUTUAL MARINE OFFICE, INC., et al

Defendants.

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ECF CASE

08 Civ. 8062 (PGG)

ORDER

PAUL G. GARDEPHE, U.S.D.J.:

This Order reflects determinations made at a telephone conference held on December 9, 2008.

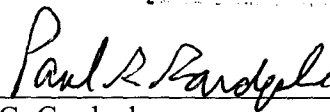
It is hereby ORDERED that if National Casualty Company chooses to submit a list of arbitrator candidates to the Court, it shall do so by the close of business on December 12, 2008.

As expressed during the telephone conference, it is the Court's preference that the arbitrators previously selected by the parties select a third arbitrator pursuant to the parties' agreements. If a third arbitrator has not been selected by December 23, 2008, however, the Court will appoint a third arbitrator from the lists of candidates submitted by the parties, or otherwise.

It is further ORDERED that the above-captioned action shall be dismissed with prejudice but without costs; provided, however, that: (1) consistent with the above provisions, the Court will reopen this case and appoint a third arbitrator if one is not chosen by the previously-selected arbitrators by December 23, 2008; and (2) either party may apply to the Court by letter before January 9, 2009 for restoration of the action to the Court's calendar.

Dated: New York, New York
December 11, 2008

SO ORDERED

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive style with a large initial "P".

Paul G. Gardephe
United States District Judge