

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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PHILIPS INTERNATIONAL HOLDING CORP.,

Index No. 653021/2021

Petitioner,

NOTICE OF ENTRY

- against -

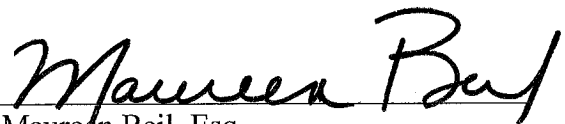
BRISCOE PROTECTIVE LLC,

Respondent.
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PLEASE TAKE NOTICE that annexed hereto is a true and accurate copy of a Decision and Order on Motion duly entered in the office of the Clerk of the above named Court on July 7, 2021.

Dated: Garden City, New York
July 8, 2021

KIRSCHENBAUM & KIRSCHENBAUM, P.C.
Attorneys for Petitioner

By: 
Maureen Beil, Esq.
200 Garden City Plaza, Suite 315
Garden City, New York 11530
(516) 747-6700 Ext. 303

To:

Rivkin Radler LLP
Attn: David M. Grill
Michael C. Mulè
477 Madison Avenue, Suite 410
New York, NY 10022

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ARTHUR F. ENGORON PART IAS MOTION 37EFM

Justice

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INDEX NO. 653021/2021

PHILIPS INTERNATIONAL HOLDING CORP.

MOTION DATE 05/10/2021

Petitioner,

MOTION SEQ. NO. 001

- v -

BRISCOE PROTECTIVE LLC,

**DECISION + ORDER ON
MOTION**

Respondent.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 14, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54

were read on this motion to STAY ARBITRATION.

Upon the foregoing documents, it is hereby ordered that the petition to stay arbitration is denied and the cross-motion to dismiss is granted. Petitioner signed a 2016 contract with respondent, which included a mandatory arbitration clause. Petitioner's argument that the terms of the 2003 contract should govern are unavailing, as the 2003 contract expired by its own terms after 10 years, and, in any event, a contract later in point of time that governs the same subject matter and parties prevails over an earlier contract. Accordingly, the parties are compelled to arbitrate, and the Clerk is hereby directed to enter judgment denying and dismissing the petition in its entirety.

7/6/2021
DATE



ARTHUR F. ENGORON, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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PHILIPS INTERNATIONAL HOLDING CORP.,

Index No. 653021/2021

Petitioner,

AFFIDAVIT OF SERVICE

- against -

BRISCOE PROTECTIVE LLC,

Respondent.
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

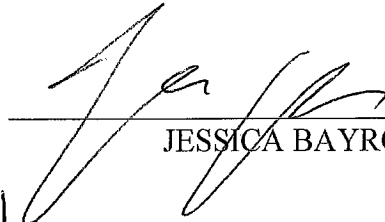
JESSICA BAYRON, duly sworn, deposes and says:

I am not a party to this proceeding, am over 18 years of age, and reside in Plainview, New York.

On July 8, 2021, I served one true and accurate copy of the annexed **DECISION/ORDER ON MOTION WITH NOTICE OF ENTRY** on each party at each address listed below in the following manner:

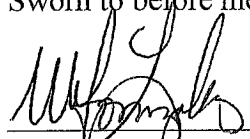
Service was made by first class mail by depositing same in a sealed envelope, with postage paid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York designated for that purpose, addressed to the following:

Rivkin Radler LLP
Attn: David M. Grill
Michael C. Mulè
477 Madison Avenue, Suite 410
New York, NY 10022



JESSICA BAYRON

Sworn to before me on 7/8/21



WENDY L. GONZALEZ
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01G06355714
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES MARCH 13, 2025

PHILIPS INTERNATIONAL HOLDING CORP.,

Petitioner,

- against -

BRISCOE PROTECTIVE LLC,

Respondent.

DECISION/ORDER ON MOTION WITH NOTICE OF ENTRY

KIRSCHENBAUM & KIRSCHENBAUM, P.C.
Attorneys for Petitioner

By:


Maureen Beil, Esq.
200 Garden City Plaza - Suite 315
Garden City, NY 11530
(516) 747-6700

Certification pursuant to 22 NYCRR § 130-1.1(a)
