

ECF

**U.S. District Court  
Southern District of New York (White Plains)  
CIVIL DOCKET FOR CASE #: 7:16-cv-00124-KMK**

Westchester Fire Insurance Company et al v. Lalo Drywall,  
Inc. et al  
Assigned to: Judge Kenneth M. Karas  
Demand: \$5,300,000  
Cause: 28:1332bc Diversity-Breach of Contract

Date Filed: 01/07/2016  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff**

**Westchester Fire Insurance Company**

represented by **Brian Kantar**

Chiesa Shahinian & Giantomasi PC  
One Boland Drive  
West Orange, NJ 07052  
(973)-530-2112  
Fax: (973)-530-2312  
Email: bkantar@csglaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan S Bondy**

Chiesa Shahinian & Giantomasi PC  
One Boland Drive  
West Orange, NJ 07052  
973-530-2052  
Fax: 973-530-2252  
Email: jbondy@wolffsamson.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Philadelphia Indemnity Insurance  
Company**

represented by **Brian Kantar**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan S Bondy**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Lalo Drywall, Inc.****Defendant****Sergio Raymundo****Defendant****Luis Martinez**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/07/2016	<a href="#">1</a>	COMPLAINT against Lalo Drywall, Inc., Luis Martinez, Sergio Raymundo. (Filing Fee \$400.00, Receipt Number 465407102493) Document filed by Westchester Fire Insurance Company, Philadelphia Indemnity Insurance Company. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H, # <a href="#">9</a> Exhibit I, # <a href="#">10</a> Exhibit J, # <a href="#">11</a> Exhibit K, # <a href="#">12</a> Exhibit L, # <a href="#">13</a> Exhibit M, # <a href="#">14</a> Exhibit N, # <a href="#">15</a> Exhibit O, # <a href="#">16</a> Exhibit P, # <a href="#">17</a> Exhibit Q, # <a href="#">18</a> Exhibit R, # <a href="#">19</a> Exhibit S, # <a href="#">20</a> Exhibit T, # <a href="#">21</a> Exhibit U, # <a href="#">22</a> Exhibit V, # <a href="#">23</a> Exhibit W, # <a href="#">24</a> Exhibit X) (Inl) (Attachment 1 replaced on 1/11/2016) (Inl). (Attachment 11 replaced on 1/11/2016) (Inl). (Attachment 24 replaced on 1/11/2016) (Inl). (Entered: 01/08/2016)
01/07/2016	<a href="#">2</a>	CIVIL COVER SHEET filed. (Inl) (Entered: 01/08/2016)
01/07/2016		SUMMONS ISSUED as to Lalo Drywall, Inc., Luis Martinez, Sergio Raymundo. (Inl) (Entered: 01/08/2016)
01/07/2016		Case Designated ECF. (Inl) (Entered: 01/08/2016)
01/07/2016		Magistrate Judge Judith C. McCarthy is so designated. (Inl) (Entered: 01/08/2016)
01/07/2016	<a href="#">3</a>	MEMORANDUM OF LAW in Support of Plaintiffs' Application for Preliminary Injunction. Document filed by Philadelphia Indemnity Insurance Company, Westchester Fire Insurance Company. (Inl) (Entered: 01/08/2016)
01/07/2016	<a href="#">4</a>	DECLARATION Pursuant to Local Civil Rule 6.1(d). Document filed by Philadelphia Indemnity Insurance Company, Westchester Fire Insurance Company. (Inl) (Entered: 01/08/2016)
01/07/2016	<a href="#">5</a>	ORDER TO SHOW CAUSE: ORDERED, that defendants Lalo Drywall, Inc., Sergio Raymundo and Luis Martinez, (collectively, the "Defendants") show cause before the United States District Court for the Southern District of New

		<p>York located at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on the 21st of January, 2016 at 3:30 p.m. before the Honorable Kenneth M. Karas in Court Room 521, why an order should not be entered pursuant to Rule 65(a) of the Federal Rules of Civil Procedure granting the Sureties a preliminary injunction directing the Defendants to deposit collateral security with WFIC in the amount of \$2,918,962.77 and with PIIC in the amount of \$2,377,536.98; and IT IS FURTHER ORDERED, that a true copy of this Order, the Verified Complaint, the Declaration Pursuant to Local Civil Rule 6.1 (d) and the supporting Memorandum of Law be served by overnight mail upon the Defendants within 1 day of the date hereof; and IT IS FURTHER ORDERED, that if the Defendants intend to file answering affidavits or a brief, they shall serve copies of such affidavits or brief via ECF or by overnight mail upon Chiesa Shahinian &amp; Giantomasi PC, One Boland Drive, West Orange, New Jersey 07052, attorneys for the Sureties, at least 7 days before the return date of this order, and in default thereof, this matter may proceed ex parte; and IT IS FURTHER ORDERED, that if the Sureties intend to file reply affidavits or a reply brief, they shall file and serve copies of such affidavits or reply brief via ECF or by overnight mail upon the Defendants or the attorneys for the defendant at least 3 days before the return date of this order. (Show Cause Hearing set for 1/21/2016 at 03:30 PM in Courtroom 521, 300 Quarropas Street, White Plains, NY 10601 before Judge Kenneth M. Karas.) So Ordered. (Signed by Judge Kenneth M. Karas on 1/7/16) (yv) (Entered: 01/08/2016)</p>
01/08/2016	<a href="#">6</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Ace USA, Inc. for Westchester Fire Insurance Company. Document filed by Westchester Fire Insurance Company.(Kantar, Brian) (Entered: 01/08/2016)
01/08/2016	<a href="#">7</a>	<b>FILING ERROR - NOT ALL CORPORATE PARENTS/OTHER AFFILIATES WERE ADDED -</b> RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Philadelphia Consolidated Holding Corp. for Philadelphia Indemnity Insurance Company. Document filed by Philadelphia Indemnity Insurance Company.(Kantar, Brian) Modified on 1/11/2016 (lb). (Entered: 01/08/2016)
01/08/2016	<a href="#">8</a>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Brian Kantar dated 1/8/16 re: request that the Court issue an Order directing the Clerk to remove Exhibits A (Docket Entry 1-1), K (Docket Entry 1-11), and X (Docket Entry 1-24) from the ECF docket and permit our office to re-file redacted versions of the exhibits. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Kenneth M. Karas on 1/8/16) (yv) (Entered: 01/08/2016)
01/11/2016		<b>***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Brian Kantar to RE-FILE Document <a href="#">7</a> Rule 7.1 Corporate Disclosure Statement., ERROR(S): Not All Corporate Parents were added. Please re-file this document and when prompted: Are there any corporate parents or other affiliates?, select the YES radio button and enter the Corporate Parent(s) or Affiliate(s) one</b>

		<b>party name at a time. (lb)</b> (Entered: 01/11/2016)
01/11/2016	<a href="#">9</a>	AMENDED RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Philadelphia Consolidated Holding Corp., Corporate Parent Tokio Marine Holdings, Inc., Corporate Parent Tokio Marine North America, Inc., Corporate Parent Tokio Marine and Nichido Fire Insurance Company, Ltd. for Philadelphia Indemnity Insurance Company. Document filed by Philadelphia Indemnity Insurance Company.(Kantar, Brian) (Entered: 01/11/2016)
01/13/2016	<a href="#">10</a>	CERTIFICATE OF SERVICE of Summons and Complaint,,, Lalo Drywall, Inc. served on 1/8/2016, answer due 1/29/2016; Luis Martinez served on 1/8/2016, answer due 1/29/2016; Sergio Raymundo served on 1/8/2016, answer due 1/29/2016. Service was made by Mail. Document filed by Westchester Fire Insurance Company; Philadelphia Indemnity Insurance Company. (Kantar, Brian) (Entered: 01/13/2016)
01/20/2016	<a href="#">11</a>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Brian Kantar dated 1/19/16 re: requesting an adjournment of the Order to Show Cause hearing. ENDORSEMENT: The hearing scheduled for 1/21/16 is adjourned to 2/11/16, at 2:30. So Ordered., (Show Cause Hearing set for 2/11/2016 at 02:30 PM before Judge Kenneth M. Karas.) (Signed by Judge Kenneth M. Karas on 1/19/16) (yv) (Entered: 01/20/2016)