Trial calendar call is scheduled

MARCH 16, 2004 **MOTION FOR EXTENSION OF TIME** TO FILE JTM AND TO POSTPONE JURY SELECTION

The undersigned Defendant/Third Party Plaintiff, Metro-North Railroad Company, with the consent and agreement of the plaintiff, seeks an extension of time within which to file the joint trial memorandum and to postpone jury selection for this matter. The basis for this motion is that a third-party complaint has just been served upon Steadfast Insurance Company. The parties would prefer to have the insurance company in the case for settlement purposes prior to the filing of the JTM and jury selection.

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By way of background, Magistrate Judge William Garfinkel presided over a settlement conference in this matter on January 20, 2004. At that time it was explained to Judge Garfinkel that discovery had revealed the possibility that Metro-North is covered by an insurance policy for in loss. Subsequently, a motion to implead the insurance carrier was filed and granted. The <u>r</u>