

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK
~~TRIAL~~/SPECIAL TERM, PART WESTCHESTER COUNTY

Present: HON. WILLIAM A. WALSH, JR.

Justice. To commence the statutory time period for appeals as of right (CPLR 5513 [a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

HAROLD WEISBERG,

Petitioner

- against -

DIMONDSTEIN BOOK COMPANY, INC.,

Defendant.

INDEX NUMBER 1845, 1977

MOTION DATE May 17, 1977

MOTION CAL. NUMBER 3

TRIAL CAL. NUMBER _____

The following papers numbered 1 to 10 read on this motion to dismiss the causes of action alleged in the complaint on the ground that they are barred by the Statute of limitations.

	PAPERS NUMBERED
Notice of Motion/ ANSWERING AFFIDAVITS - Affidavits, Exhibits	<u>1 - 6</u>
Answering Affidavits	<u>7 - 10</u>
Replying Affidavits	
Affidavits	
Filed Papers	
Pleadings - Exhibits - Stipulations - Minutes	

Upon the foregoing papers it is ordered that this motion is granted to the extent of dismissing the first and second causes of action as time barred. The four year statute of limitations applies (Section 27725, Uniform Commercial Code). The action was commenced in 1977; the first and second causes of action by defendant's reckoning accrued on May 17, 1971. In all other respects the motion is denied. The six year statute of limitations for fraud accrued as of the date of the discovery of the fraud. [CPLR 213(a)]

Dated July 5, 1977 Entered JUL 5 1977

William A. Walsh, Jr.
J. S. C.

Briefs: Plaintiffs - Defendants - Petitioners - Respondents -