

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

PRESENT: HON. NANCY M. BANNON PART IAS MOTION 42EFM

Justice

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NATIONAL ASSOCIATION OF WATER COMPANIES

Plaintiff,

- v -

CKR LAW, LLP,

Defendant.

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INDEX NO. 656483/2019

MOTION DATE 03/25/2020

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25

were read on this motion to/for DISMISSAL.

In this breach of contract action seeking to recover unpaid rent, additional rent and attorney’s fees, the defendant sublessee moves, pre-answer, to dismiss the complaint on the grounds of failure to name a necessary party (CPLR3211[a][10]), *i.e.* the plaintiff’s lessor, and forum non conveniens, the subject property being located in Washington, D.C. The motion papers do not address the substantive allegations of the complaint and the defendant does not deny a breach of the sublease by failing to make the required payments. The plaintiff opposes the motion. The motion is denied as the defendant, a law firm with New York offices, has failed to established entitlement to dismissal on either ground asserted.

Accordingly, it is

ORDERED that the defendant’s pre-answer motion to dismiss the complaint is denied, and it is further,

ORDERED that the defendant shall file and serve an answer to the complaint within 30 days, and it is further

ORDERED that the parties shall proceed with discovery and contact the court on or before September 30, 2020 to schedule a preliminary/settlement conference.

This constitutes the Decision and Order of the court.

6/22/2020
DATE



NANCY M. BANNON, J.S.C.
HON. NANCY M. BANNON

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
	<input type="checkbox"/>	GRANTED	<input checked="" type="checkbox"/>	DENIED	<input type="checkbox"/>	
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	REFERENCE
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	