

Nov-20-06 09:17am From-Condon & Foreyth LLP

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3. Upon expiration of the respective foregoing deadlines, and where applicable upon the appropriate service of the required Notice of Claim, each defendant will be deemed to have asserted cross-claims for contribution and for contractual and/or common law indemnity against every other defendant within the same individual action (but not against all defendants within the same master calendar), without need for service and filing of formal pleadings. Each defendant against whom such cross-claims have been deemed asserted will be deemed to have denied the allegations in such cross-claims without need for service and filing of formal pleadings, except that such deemed denials are without prejudice to any party moving against such cross-claims under Federal Rule of Civil Procedure 12(b) at such future time as such cross-claims may become relevant, regardless of the time set forth in the Federal Rules of Civil Procedure for making such a motion. Notwithstanding the foregoing, cross-claims for indemnification or contribution against parties that must be served with a Notice of Claim pursuant to New York Civil Practice Law and Rules § 214-d (1) shall not be deemed asserted, but shall require the service and filing of formal pleadings and such cross-claims shall not be deemed denied, but shall require the service and filing of formal responses.
4. The foregoing paragraph 3 does not apply to Securitas A.B. or Securicor plc, with respect to whom the litigation has been stayed in all respects. Securitas A.B. and Securicor plc will not be deemed to have asserted cross-claims or denied allegations in cross-claims asserted against either or both of them unless and until the Court determines that it has personal jurisdiction over Securitas A.B. and Securicor plc, or either or both of them as the case may be, upon which the foregoing paragraph 3 will be deemed to apply to Securitas A.B. and/or Securicor plc, as the case may be, in all respects.

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5. To the extent any defendant previously has served and filed cross-claims for contribution or indemnity, each defendant against whom such cross-claims have been asserted is hereby deemed to have denied the allegations in such cross-claims without need for service and filing of formal pleadings, without prejudice to any party moving against such cross-claims under Federal Rule of Civil Procedure 12(b) at such future time as such cross-claims may become relevant, regardless of the time set forth in the Federal Rules of Civil Procedure for making such a motion. Notwithstanding the foregoing, for parties required to be served with a Notice of Claim pursuant to New York Civil Practice Law and Rules § 214-d (1) who have moved to dismiss such cross-claims the time to serve and file a responsive pleading to such cross-claims shall be governed by Rule 12(a)(4) Fed. R. Civ. P.
6. All other cross-claims and all third-party claims must be served and filed in accordance with the Federal Rules of Civil Procedure or as otherwise provided by Order of this Court.
7. This Order is without prejudice to the parties' right to present argument as to whether or not New York Civil Practice Law and Rules § 214-d is applicable to these actions. Notwithstanding the foregoing, this Order shall not be deemed to reverse, modify or supersede any prior Order in these actions concerning the applicability of New York Civil Practice Law and Rule § 214-d.


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SO ORDERED.

Dated: New York, New York
November 22, 2006



ALVIN K. HELLERSTEIN
United States District Judge