

93CV4743-NG-JJM

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERKS OFFICE  
U.S. DISTRICT COURT ED. N.Y.  
MAY 1997  
P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

HERCULES CONSTRUCTION CORP.,

Plaintiff,

-against-

JUDGMENT  
93-CV-4743 (NG)

NATIONAL AMERICAN INSURANCE  
COMPANY,

Defendant.

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An order of Honorable Nina Gershon, United States District Judge, having been filed on March 26, 1997, adopting in its entirety the August 22, 1996 Report and Recommendation of Chief Magistrate Judge A. Simon Chrein and granting defendant's motion to dismiss this action under Fed. R. Civ. P. 37, it is

ORDERED and ADJUDGED that plaintiff take nothing of the defendant; that the August 22, 1996 Report and Recommendation of Chief Magistrate Judge A. Simon Chrein is adopted in its entirety; and, that defendant's motion to dismiss this action is granted.

Dated: Brooklyn, New York  
March 26, 1997

*Robert C. Heinemann*  
ROBERT C. HEINEMANN  
Clerk of Court

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