

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

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GREAT AMERICAN INSURANCE COMPANY, )

)  
Interpleader-Plaintiff, )

)  
-against- )

)  
ARCH REAL ESTATE HOLDINGS, LLC, JEFFREY )  
SIMPSON, JARED CHASSEN, WIGGIN AND DANA )  
LLP, GRIFFIN LLP, and OFFIT KURMAN PA, )

)  
Interpleader-Defendants. )  
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Index No.: 653208/2024

**ORDER  
[PROPOSED]**

**[PROPOSED] ORDER AUTHORIZING INTERPLEADER DEPOSIT AND  
INJUNCTION**

WHEREAS, Interpleader-Plaintiff Great American Insurance Company (“GAIC”) has  
filed a statutory interpleader action as reflected in the above-captioned matter pursuant to CPLR  
§§ 1006, 6301;

WHEREAS, at least \$2,105,999.29 of insurance (“Stake”) remains available under the  
GAIC Asset Management Liability Policy, Policy Number PEPE246619 (the “Policy”) issued to  
Arch Real Estate Holdings LLC (“AREH”);

WHEREAS, multiple Interpleader Defendants claim a right to the Stake;

WHEREAS, the Court has determined that it should have exclusive jurisdiction over  
claims related to the distribution of the Stake and those arising from the Policy in the instant  
action (“the Interpleader Action”) and any future claims outside of the Interpleader Action  
should be enjoined;

WHEREAS, AREH has initiated a lawsuit against GAIC related to the Policy proceeds  
and remaining Stake filed in New York County Supreme Court under Index No. 652914/2024  
(the “AREH Action”); and

WHEREAS, Jared Chassen (“Chassen”) has interposed counterclaims against GAIC; and

WHEREAS, Interpleader Defendant AREH has moved to consolidate its affirmative lawsuit with the Interpleader Action and amend its pleadings (NYSCEF Doc. Nos. 236-256);

WHEREAS, Interpleader Defendant Offit Kurman PA moved for summary judgment (Motion Seq. No. 2) seeking a judgment in the amount of \$133,037.69 for legal fees;

WHEREAS, GAIC faces a risk of future lawsuits against it by Interpleader Defendants and Intervenor-Defendant arising from adversarial claims in relation to the Policy and to the remaining distribution of the Stake;

WHEREAS, GAIC has moved by Order to Show Cause pursuant to CPLR §§ 1006, 6301, requesting that the Court: (1) issue an Order directing GAIC to deposit the remaining Stake in the amount of \$2,105,999.29 and directing the Clerk of the Court to accept the interpleader funds; and (2) issue an injunction (the “Interpleader Motion”); and

WHEREAS, various of the Interpleader Defendants opposed the Interpleader Motion; and

WHEREAS, the Interpleader Motion having been fully submitted, after oral argument of which all parties to this action had been duly served and noticed of the appearance on March 12, 2025, and the Court having considered the papers on file, and for good cause shown:

IT IS SO ORDERED that GAIC’s Interpleader Motion is GRANTED IN PART and DENIED IN PART; and it is further

ORDERED that parties are enjoined from bringing an action against GAIC in any other forum, other than this pending action, to resolve any claims against GAIC for insurance coverage under the terms and conditions of the Policy or claims for independent liability that relate to the Policy; and it is further

ORDERED that pursuant to CPLR § 6301, Interpleader Defendants and any other party claiming interest in the Stake are enjoined from instituting or prosecuting any proceeding in any State or United States Federal Court that may affect or encumber the remaining Policy Stake at issue in this Interpleader Action, other than in this action, until further Order of the Court; and it is further

ORDERED that GAIC shall deposit by check, wire transfer, or other accepted method by the administering organization overseeing interpleader deposits, the amount of \$2,105,999.29 into the Registry of the Court or other accepted deposit account maintained by New York City Department of Finance; and it is further

ORDERED that the Clerk of the Court or New York City Department of Finance accept and deposit the amount of \$2,105,999.29 into an account for the benefit of the parties in this Interpleader Action; and it is further

ORDERED that GAIC shall file on NYSCEF proof of the aforesaid deposit (“Proof of Deposit”); and it is further

ORDERED that upon the filing of the Proof of Deposit, the Interpleader Defendants shall have 30-days to amend their Answers and to assert counterclaims in this Interpleader Action in order to resolve all outstanding claims against GAIC arising from the events set forth in the Interpleader Complaint, any events triggering an obligation to pay Loss under the Policy, and any claims to amounts to be paid from the Stake; and it is further setting forth the specific amount sought from the Stake

ORDERED that the Stake, including all interest earned thereon up to and including the date of withdrawal, shall be held pending further order of the Court; and it is further

ORDERED that GAIC has no further rights in, including any right to recover, any extent of the Stake to the extent it is determined by this Court that the Policy Limit is exhausted by Interpleader Defendants' collective claims; and it is further

ORDERED that GAIC shall serve a copy of this order on the Clerk of Court or other public entity (such as the New York City Department of Finance) tasked with managing Interpleader Stake in New York County; and it is further

ORDERED that pursuant to CPLR § 1006(e), all claims for independent liability asserted against GAIC relating to the Policy will be adjudicated in the Interpleader Action; and it is further

ORDERED that AREH's motion to consolidate and amend its pleadings filed under Index Number 653208/2024 (New York County Supreme Court) is GRANTED; and it is further

ORDERED that Interpleader Defendant Offit Kurman PA's motion for summary judgment (Motion Seq. No. 2) is DENIED without prejudice; and it is further

ORDERED that the parties herein shall submit a proposed Scheduling Order setting forth a discovery and briefing schedule forty-five (45) days from entry of this Order for the purpose of resolving claims to the distribution of the Stake to the Interpleader Defendants and adjudicating counter claims which have been or will be alleged against GAIC.

ORDERED that the Court reserves its decision to discharge GAIC of liability following resolution of Interpleader Defendants' claim(s) for the Stake and independent liability alleged against GAIC, which shall be adjudicated in the Interpleader Action pursuant to CPLR § 1006(e).

Dated: March\_\_ 2025  
New York, New York

SO ORDERED:

J.S.C. \_\_\_\_\_