

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

13 Civ 2177 (PAE)

-----x  
NEWMAN MYERS KREINES GROSS HARRIS, P.C.

Plaintiff,  
-against-

**DEFENDANT'S NOTICE  
OF CROSS-APPEAL**

GREAT NORTHERN INSURANCE COMPANY

Defendant,  
-----x

PLEASE TAKE NOTICE that Defendant Great Northern Insurance Company hereby cross-appeals to the United States Court of Appeals for the Second Circuit from so much of the Judgment entered on April 28, 2014 and the April 24, 2014 Opinion & Order issued by the Honorable Paul A. Englemayer of this Court as contained in Section C of such Opinion and Order, to the extent the Court made an alternative holding determining that in the event the Court's insurance coverage ruling were overturned, the Court's judgment would be that the flood exclusion in Great Northern's policy would not apply and in such event Newman Myers would be entitled to judgment.

The Judgment referenced to is attached as Exhibit "A."

The Opinion and Order referenced to is attached as Exhibit "B."

ROSNER NOCERA & RAGONE, LLP

By: \A\John A. Nocera

John A. Nocera  
Attorneys for Defendant  
Great Northern Insurance Company  
61 Broadway, Suite 1900  
New York, New York 10006  
(212) 635-2244