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## Appeals Court Reinstates 44-Year-Old Case

By Dareh Gregorian

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The wheels of justice grind exceedingly slow -- but this is ridiculous.

A state appeals court has given the green light for a 44-year-old lawsuit to go to trial.

The case of Lance International versus First National City Bank is so old - it was filed a year before Super Bowl I, when President Obama was a five-year-old kid - that neither company still exists.

Lance went belly-up, and First National has gone on to become Citibank, but in a decision made public today, a state appeals court gave Lance the right to proceed with an immediate trial to try and recoup money damages for the bank's alleged failure to collect cash for the company from a 1960s construction project in Japan.

Lance International was dissolved 35 years ago, but a bankruptcy court gave it permission to proceed with the suit in bid to repay its creditors.

A civil court judge dismissed the suit last year, but the Appellate Term reinstated the case after Lance's lawyer argued that Citibank missed a deadline for getting the suit tossed by about 22 years.

The three judge panel wagged its collective finger at both sides in the case, and ordered them to wind the case up with a speedy trial.

"[W]hile we are not unmindful of the age of this case and the parties' failure to diligently litigate the matter, we are constrained to reinstate the complaint. The parties are directed to proceed to an immediate trial," the ruling said.

Lance's lawyer, **Richard Roth**, said, "This case was old when man first walked on the moon, but reinstating it was the right decision."

"The civil court looked for any way it could to throw out a very old case, but it did so with disregard to New York law. The appellate court, while recognizing the age of the case, realized that it should stand, especially where Citibank did not make a motion for literally decades," **Roth** said.

"After 44 years, the plaintiff will finally have its day in court."

A rep for Citibank had no immediate comment.

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