

The New York Times

A Most Unspeedy Trial Plods Forward

By John Eligon

March 1, 2010

Anyone who has ever spent time around courts knows that justice is not always exactly swift. But 44 years?

That is how long a lawsuit has been pending between by Lance International, a supplies company, and Citibank. The lawsuit, filed in 1966, is so old that Lance is now out of business and Citibank was called First National City Bank at the time.

But as the case nears the half-century mark, the state appellate court in Manhattan has overturned a lower court's decision to throw it out and ordered it to move forward.

"The parties are directed to proceed to an immediate trial," said the appellate ruling, handed down Feb. 19.

The dispute started in 1963, when Lance shipped construction materials to Okinawa, Japan, for a school construction project. Lance asked Citibank to release the materials to the company only if the company agreed to deadlines for sending payment, according to a brief filed in Civil Court in Manhattan by Lance's lawyer, **Richard A. Roth**.

But Citibank released the materials without getting the proper authorization, the brief

said, and the bank never paid Lance more than \$235,000 it was owed.

Citibank's failure to pay contributed to Lance's downfall in 1975, **Mr. Roth** said in an interview Monday. Even though the company is no longer around, it is still seeking tens of millions of dollars to distribute to its shareholders, **Mr. Roth** said. The damages sought include interest and income that was lost as a result of the company's bankruptcy, **Mr. Roth** said.

The two sides of this dispute have inexplicably spent nearly the past half-century trading motions and discovery.

The appellate division's most recent ruling came after Citibank tried to get the case thrown out by claiming that Lance lacked the capacity to maintain its action because it had gone out of business. But the appellate court chided Citibank's defense, saying that the bank waited more than 20 years to raise it.

Mr. Roth, who joined the case late last year after it was referred to him, admitted that even he wonders why this case has taken so long to litigate.

"I ask myself that question," he said. "It clearly fell through the cracks."

More like a canyon.

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