## SHORT FORM ORDER

INDEX NO.6956-2010

## SUPREME COURT - STATE OF NEW YORK I.A.S. PART XIII SUFFOLK COUNTY

PRESENT: HON. MELVYN TANENBAUM Justice

Justice

MOTION #001 Mot Adj. R/D:\_\_\_\_\_\_ S/D:

U.S. BANK, N.A.,

Plaintiff,

-against-

JOSE L. CORTEZ ET AL.,

Defendants.

DEFT'S/RESP'S ATTY: JOSE L. CORTEZ 68 Poplar Street Central Islip, NY 11722

PLTF'S/PET'S ATTY:

P.O. BOX 1291

STEVEN J. BAUM, P.C.

BUFFALO, NY 14240-1291

Upon the following papers numbered 1 to \_\_\_\_read on this motion for an order pursuant to RPAPL Sec.1321

Not	tice of Motion/Order to Show C	ause and supporting papers_	; Notice of Cross
Motion and supporting papers	Answering Affidavits and supporting papers		Replying
Affidavits and supporting papers	Other	; (and after hearing cou	insel in support and
opposed to the motion) it is,			

This Court has repeatedly directed plaintiff's counsel to submit proposed orders of reference and judgments of foreclosure in proper form and counsel has continuously failed to do so. The Court provided counsel's office directly with copies of orders and judgments which would satisfy the requirements and counsel has responded by submitting correspondence addressed to the Court from non-attorney employees with improper and inadequate submissions. The Court deems plaintiff's counsel's actions to be an intentional failure to comply with the directions of the Court and a dereliction of professional responsibility. Accordingly it is

**ORDERED** that plaintiff's application for an Order of Reference is adjourned until February 16, 2011. On or before this date plaintiff's counsel is directed to submit: 1) an affirmation in compliance with the Order of the Chief Judge dated October 10, 2010; 2) an affidavit or affirmation from plaintiff "U.S. BANK's" counsel certifying that all prior submissions were accurate and correct in the underlying mortgage foreclosure action; 3) an affidavit or affirmation from plaintiff's attorney of record, Steven J. Baum, Esq., certifying that the proposed order of reference submitted by counsel conforms to the Court's requirements; and 4) a proposed order of reference in proper form, and it is further

**ORDERED** that upon failure of counsel to comply with this Order this action shall be marked off the active calendar by the Clerk of the Court.

MELVYN TANENBAUM

Dated: November 19, 2010

J.S.C.