COPY

SHORT FORM ORDER

INDEX NO.17578-2008

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

PRESENT:
HON. MELVYN TANENBAUM
Justice

MOTION #002
R/D:_____
S/D:_____

WELLS FARGO BANK, N.A.,

Plaintiff,

-against-

ATANACIO GARCIA ET AL.,

Defendants.

PLTF'S/PET'S ATTY:
ROSICKI, ROSICKI & ASSOC.
2 Summit Court, Suite 301
Fishkill, NY 12524

DEFT'S/RESP'S ATTY:
ATANACIO GARCIA
120 West 10th Street
Huntington Station, NY 11746

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

_____Notice of Motion/Order to Show Cause and supporting papers____; Notice of Cross Motion and supporting papers _____Answering Affidavits and supporting papers _____Replying Affidavits and supporting papers _____ Other _____; ~~(and after hearing counsel 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 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 a Judgment of Foreclosure and Sale is adjourned until December 9, 2010. On or before this date plaintiff's counsel is directed to submit: 1) an affidavit or affirmation from plaintiff "WELLS FARGO BANK's" counsel certifying that all prior submissions were accurate and correct in the underlying mortgage foreclosure action; 2) an affidavit or affirmation from plaintiff's attorneys of record, ROSICKI, ROSICKI & ASSOC., certifying that the proposed judgment submitted by counsel conforms to the Court's requirements; and 3) a proposed judgment of foreclosure in sale 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: October 14, 2010

_____
J.S.C.