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SHORT FORM ORDER

INDEX NO.22836-2008

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

PRESENT:
HON. MELVYN TANENBAUM
Justice

MOTION #003
R/D:_____
S/D:_____

THE BANK OF NEW YORK,

Plaintiff,

-against-

GARY LEE BROWN ET AL.,

Defendants.

PLTF'S/PET'S ATTY:
STEVEN J. BAUM, P.C.
P.O. Box 1291
Buffalo, NY 14240-1291

DEFT'S/RESP'S ATTY:
GARY LEE BROWN
54 Casement Avenue
Central Islip, NY 11722

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 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 December 9, 2010. On or before this date plaintiff's counsel is directed to submit: 1) an affidavit or affirmation from plaintiff "THE BANK OF NEW YORK'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, STEVEN J. BAUM, ESQ., certifying that the proposed order of reference submitted by counsel conforms to the Court's requirements; and 3) 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.

Dated: October 14, 2010

MELVYN TANENBAUM

J.S.C.