PUBLISH

SHORT FORM ORDER

INDEX NO.33679-2009

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

PRESENT:
HON. MELVYN TANENBAUM
Justice

MOTION #001
R/D:_____
S/D:_____

ONEWEST BANK FSB,

Plaintiff,

-against-

MICHAEL SCHOCKAERT ET AL.,

Defendants.

PLTF'S/PET'S ATTY:
MCCABE, WEISBERG & CONWAY
145 Huguenot Street, Suite 499
New Rochelle, NY 10801

DEFT'S/RESP'S ATTY:
MICHAEL SCHOCKAERT
159 East Farmingdale Street
Islip Terrace, NY 11752

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. Accordingly it is

ORDERED that plaintiff's application for an Order of Reference is adjourned until January 18, 2010. 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 20, 2010; 2)an affidavit or affirmation from plaintiff "ONEWEST 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 attorneys of record, MCCABE, WEISBERG & CONWAY certifying that the proposed order 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.

Dated: October 28, 2010

J.S.C.