

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

PRESENT:
HON. MELVYN TANENBAUM
Justice

MOTION #001 Mot Adj.
R/D: _____
S/D: _____

DEUTSCHE BANK NATIONAL TRUST CO.,

Plaintiff,

-against-

WILLIAM A. RIZZI 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:
WILLIAM A. RIZZI
1685 Noyack Road
Southampton, NY 11968

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 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 "DEUTSCHE 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.

Dated: November 19, 2010

MELVYN TANENBAUM
J.S.C.