

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: Goodman  
Justice

PART 17

Chappell, Mitra

INDEX NO. 102282/11

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. 02

MOTION CAL. NO. \_\_\_\_\_

- v -  
Trump Plaza

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for Enjunctive Relief

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED

Cross-Motion: ☐ Yes ☒ No

Upon the foregoing papers, it is ordered that this motion

OSC to stay  
termination of Plaintiff's proprietary lease  
is ~~granted~~ withdrawn per attached email dated  
6/9/11. according, TRO vacated.

FILED

JUN 13 2011

NEW YORK  
COUNTY CLERK'S OFFICE

Dated: 6/9/11

[Signature]  
J.S.C.

EMILY JANE GOODMAN

Check one: ☐ FINAL DISPOSITION ☒ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE

☐ SUBMIT ORDER/ JUDG.

☐ SETTLE ORDER/ JUDG.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE  
FOR THE FOLLOWING REASON(S):

**Andrea Field - Mitra Chappell v Trump Plaza**

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**From:** "Martin Kera" <martin.kera@gmail.com>  
**To:** <Afield@courts.state.ny.us>  
**Date:** 6/9/2011 9:34 AM  
**Subject:** Mitra Chappell v Trump Plaza  
**CC:** "Michael DeSantis" <mdesantis@kdvglaw.com>

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Dear Ms Field:

I am the attorney for the plaintiff Mitra Chappell. There are two motions pending before the court: (1) Plaintiff's OSC to enjoin defendant from terminating plaintiff's ownership of her apartment; (2) Defendant's motion to dismiss the complaint. The reason that I brought the Order to Show Cause was that I had sent out a contract for sale of the apartment and the sale would resolve this action. That purchaser subsequently did not sign a contract. When we were in Court on May 24th, I told you that I had sent out a contract to another prospective purchaser that provided for a sale price of \$785,000 and a renovation credit of \$160,000. The attorney for that purchaser advised his client not to enter into the transaction because he thought that it was improper to artificially jack up the sales price. Another prospective purchaser was brought to me by another broker but it is unclear whether that prospective purchaser is willing to proceed to contract.

We are scheduled for oral argument this afternoon at 3:00 P.M. The order issued does not specify whether we are only arguing the OSC for a stay. Given that there is no signed contract for sale of the apartment and no prospective purchaser on the horizon, the OSC is now moot and I request permission to withdraw it. If we are only to argue the OSC today, then there is no reason for the Court appearance today to argue the motion. If Justice Goodman wants us to argue the motion to dismiss today or discuss the status of the case, then the Court appearance would be necessary. Please advise us how to proceed. Michael DeSantis, the attorney for the defendant, is copied on this email.

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**FILED**

**JUN 13 2011**

NEW YORK  
COUNTY CLERK'S OFFICE