

**COPY**

**SUPREME COURT - STATE OF NEW YORK  
I.A.S. TERM, PART XXIV - SUFFOLK COUNTY**

**PRESENT:**

**Hon. PETER FOX COHALAN**

-----x  
HSBC BANK USA, NATIONAL ASSOCIATION  
AS TRUSTEE FOR THE MLMI TRUST  
SERIES 2005-WMC1,

Plaintiff(s),

-against-

CALENDAR DATE: September 9, 2010  
MNEMONIC: MD

**PLTF'S/PET'S ATTORNEY:**

Steven J. Baum  
220 Northpointe Parkway, Suite G  
Amherst, NY 14228

**DEFT'S/RESP ATTORNEY:**

TIMOTHY E. STOVER, BENEFICIAL  
HOMEOWNER SERVICE CORPORATION,  
CITIBANK SOUTH DAKOTA NA, CLERK OF  
SUFFOLK COUNTY DISTRICT COURT,  
TOWN SUPERVISOR TOWN OF  
BROOKHAVEN,

Defendant(s).

-----x

Upon the following papers numbered 1 to \_\_\_\_ read on this motion \_\_\_\_\_;  
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 of and opposed to the motion) it is,

**ORDERED** that this motion by the plaintiff for summary judgment and appointment  
of a referee in this mortgage foreclosure action is hereby denied and declared moot as the motion  
was abandoned for failure to provide an order or judgment within sixty (60) days as called for  
pursuant to Uniform Rules Sec. 202.48(b). See, 22 NYCRR Sec. 202.48.

Dated: **January 11, 2011**

*Peter Solola*

\_\_\_\_\_  
J.S.C.

*2H*