

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: SHLOMO HAGLER
J.S.C.
Justice

PART 17

Index Number : 155292/2018
SEVILLE ASSOCIATES LLC
vs.
ARCASOY, HASAN
SEQUENCE NUMBER : 001
SUMMARY JUDGMENT

INDEX NO. _____
MOTION DATE _____
MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ No(s). _____

Answering Affidavits — Exhibits _____ No(s). _____

Replying Affidavits _____ No(s). _____

Upon the foregoing papers, it is ordered that this motion is *granted without*
opposition in accordance with an
attached order. The clerk
shall enter a judgment
accordingly.

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

Dated: 10/15/18

SHLOMO HAGLER, J.S.C.
J.S.C.

- 1. CHECK ONE: CASE DISPOSED
- 2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
- 3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

At an IAS Part 17 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse thereof located at 60 Centre Street, New York, New York, on the 15th day of October 2018.

PRESENT: HON. SHLOMO S. HAGLER, J.S.C.

-----X
SEVILLE ASSOCIATES, LLC,

Plaintiff,

- against -

Index No. 155292/2018

HASAN ARCASOY,

~~PROPOSED~~ ORDER

Defendant.
-----X

Plaintiff SEVILLE ASSOCIATES, LLC ("Plaintiff"), having moved, *inter alia*, for an Order: (a) pursuant to CPLR 3025(c) amending the pleadings to conform to the evidence adduced herein; (b) pursuant to CPLR 3212 granting Plaintiff summary judgment against defendant HASAN ARCASOY ("Defendant") and awarding Plaintiff a money judgment in the amount of \$1,382,107.99, plus statutory interest from June 2017, together with costs and disbursements, and Plaintiff's reasonable attorneys' fees, and setting the matter down for a hearing to determine the fees owed, and (c) pursuant to CPLR 3211(a) dismissing Defendant's affirmative defenses; and

The Court having read and considered, in support of the motion, the affidavit of Fred Shalom, sworn to on August 7, 2018, the affirmation of David B. Rosenbaum, Esq., dated August 7, 2018, the exhibits annexed thereto, and the memorandum of law; and

Defendant, having failed to submit opposition to the motion despite appearing in this action through counsel and having been granted an opportunity to submit opposition; and

This Court, after due deliberation thereon, having considered all pleadings and the moving papers herein, grants Plaintiff's motion without opposition;

NOW THEREFORE, on motion of Borah, Goldstein, Altschuler, Nahins & Goidel, P.C., attorneys for Plaintiff, it is hereby:

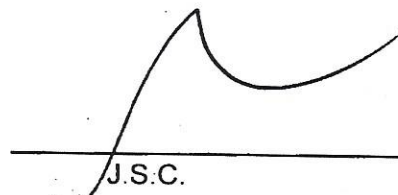
ORDERED that Defendant's affirmative defenses are dismissed with prejudice; and it is further

ORDERED that the pleadings are amended to reflect the evidence adduced herein; and it is further

ORDERED that upon submission of a proposed judgment and Bill of Costs therefor, the clerk shall enter judgment in favor of Plaintiff and against Defendant in the amount of \$1,382,107.99, plus statutory interest from June 1, 2017 as calculated by the clerk of the court, together with costs and disbursements; and it is further

ORDERED that upon Plaintiff's filing a note of issue for inquest, the clerk shall place this case on the inquest calendar for an assessment of reasonable attorneys' fees.

ENTER,

A handwritten signature in black ink, appearing to read 'SHLOMO HAGLER', written over a horizontal line.

J.S.C.

SHLOMO HAGLER
J.S.C.