

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D32533
O/kmb

_____AD3d_____

Submitted - September 22, 2011

DANIEL D. ANGIOLILLO, J.P.
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2010-03990

DECISION & ORDER

Aurora Loan Services, LLC, respondent, v
Philip Grant, appellant, et al., defendants.

(Index No. 43363/07)

Philip Grant, Brooklyn, N.Y., appellant pro se.

Tompkins, McGuire, Wachenfeld & Barry, LLP, New York, N.Y. (Margaret J. Cascino of counsel) for respondent.

In an action, inter alia, to foreclose a mortgage, the defendant Philip Grant appeals from a judgment of the Supreme Court, Kings County (Rothenberg, J.), entered March 18, 2010, which, upon an order of the same court dated May 29, 2008, among other things, directed the sale of the subject premises.

ORDERED that the judgment is affirmed, with costs.

The appellant's challenge to the sufficiency of the content of the default notice and claims of violations of the Home Equity Theft Prevention Act (Real Property Law § 265-a) and Federal Truth-in-Lending Act (15 USC § 1601 *et seq.*) are not properly before this Court.

The remaining issues raised by the appellant have been previously raised and resolved on his prior appeal to this Court from the order dated May 29, 2008 (*see Aurora Loan Servs. v Grant*, 70 AD3d 986). There are no extraordinary circumstances that warrant reconsidering our prior determination (*see Pekich v James E. Lawrence, Inc.*, 38 AD3d 632, 633). Accordingly, under the

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doctrine of law of the case, further review of those issues is barred (*see Frankson v Brown & Williamson Tobacco Corp.*, 67 AD3d 213, 217).

ANGIOLILLO, J.P., DICKERSON, CHAMBERS and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court