

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

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**5AIF NUTMEG, LLC,**

Plaintiff,

- against -

Index No. **30152/19E**

Hon. **FIDEL E. GOMEZ**  
Justice

**WELCOME STREET MANAGEMENT CORP.,  
MAUREEN C. WILLIAMS A/K/A MAUREEN  
ASSOUMOU, MCA ACQUISITIONS, LLC,  
NEW YORK STATE DEPARTMENT OF TAXATION  
AND FINANCE, THE PEOPLE OF THE STATE  
OF NEW YORK, NEW YORK CITY ENVIRONMENTAL  
CONTROL BOARD, AND JOHN DOES 1-100,**

Defendant.  
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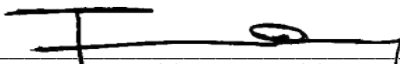
The following papers numbered 1 to 1, Read on this motion noticed on 6/24/21,  
and duly submitted as no. 1 on the Motion Calendar of 7/26/22.

	<u>PAPERS NUMBERED</u>	
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	1	
Answering Affidavit and Exhibits		
Replying Affidavit and Exhibits		
Notice of Cross-Motion - Affidavits and Exhibits		
Pleadings - Exhibit		
Stipulation(s) - Referee's Report - Minutes		
Filed Papers-Order of Reference		
Memorandum of Law		

Defendant MAUREEN C. WILLIAMS A/K/A MAUREEN ASSOUMOU's motion is decided in accordance with the Decision and Order annexed hereto.

Dated: 8/8/2022

Hon. \_\_\_\_\_

  
**FIDEL E. GOMEZ, AJSC**

- 1. CHECK ONE  CASE DISPOSED  NON-FINAL DISPOSITION
- 2. MOTION/CROSS-MOTION IS  GRANTED IN PART  DENIED
- 3. CHECK IF APPROPRIATE.
  - SETTLE ORDER
  - SUBMIT ORDER
  - DO NOT POST
  - FIDUCIARY APPOINTMENT
  - REFEREE APPOINTMENT
  - NEXT APPEARANCE DATE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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5AIF NUTMEG, LLC,

**DECISION AND ORDER**

Plaintiff(s),

Index No: 30152/19E

- against -

WELCOME STREET MANAGEMENT CORP., MAUREEN  
C. WILLIAMS A/K/A MAUREEN ASSOUMOU, MCA  
ACQUISITIONS, LLC, NEW YORK STATE  
DEPARTMENT OF TAXATION AND FINANCE, THE  
PEOPLE OF THE STATE OF NEW YORK, NEW YORK  
CITY ENVIRONMENTAL CONTROL BOARD, and  
JOHN DOES 1-100,

Defendant(s).

-----x

In this action to foreclose a mortgage and sell the real property which it encumbers, defendant MAUREEN C. WILLIAMS A/K/A MAUREEN ASSOUMOU (Assoumou) moves seeking an order pursuant to CPLR § 2201, staying the instant action. Assoumou avers that a stay is warranted because the instant action is unreasonable. The instant motion is unopposed.

For the reasons that follow hereinafter, Assoumou's motion is denied.

According to the complaint, and the documents appended thereto, this action is for foreclosure on a mortgage and the sale of the property which secures the corresponding promissory note.

The complaint alleges that on June 14, 2018, defendant WELCOME STREET MANAGEMENT CORP. (Welcome) executed and delivered to plaintiff an Amended and Restated Note, wherein Welcome agreed to repay \$564,000 loaned to it by plaintiff. On the same date, Welcome also executed a Mortgage Extension, Consolidation, and Modification Agreement, Security Agreement and Assignment of Rents and Leases, wherein Welcome also consolidated a prior mortgage and Gap Mortgage, and wherein Welcome pledged real property located at 4354 Park Avenue, Bronx, NY 10457 as collateral. The foregoing documents required that Welcome repay the loan in monthly installments and that if Welcome failed to make a payment when due, it constituted a default authorizing plaintiff to accelerate all sums due. If said sum remained due and owing, plaintiff could then institute foreclosure proceedings. On the same date, Assoumou executed a Guaranty, wherein she agreed to guarantee all sums owed by Welcome to plaintiff. It is alleged that on April 1, 2019 Welcome failed to make a payment, that Welcome has therefore defaulted, and that neither it nor Assoumou have satisfied the debt owed to plaintiff. It is alleged that \$564,000 is due and owing on the loan and as a result, plaintiff seeks a Judgment of Foreclosure and Sale.

Assoumou's application seeking a stay pursuant to CPLR § 2201 is denied. Significantly, Assoumou proffers no legally cognizable reason warranting a stay.

CPLR § 2201 states “[e]xcept where otherwise prescribed by law, the court in which an action is pending may grant a stay of proceedings in a proper case, upon such terms as may be just.” It is well settled that “a court has broad discretion to grant a stay in order to avoid the risk of inconsistent adjudications, application of proof and potential waste of judicial resources” (*In re Tenenbaum*, 81 AD3d 738, 739 [2d Dept 2011]; *Zonghetti v Jeromack*, 150 AD2d 561, 562 [2d Dept 1989]).

In support of the instant application, Assoumou submits an affidavit, wherein she states that she is president of Old Atlantic Management Corp. In 2018, Assoumou experienced financial difficulties when she was unable to refinance a loan. As a result, a loan servicer falsely reported late payments to her new lender, thereby negatively impacting her portfolio of properties. Assoumou has aggressively attempted to settle this action. In April, all parties agreed to a settlement, however, plaintiff never provided the documents to consummate the settlement and has stopped corresponding with Assoumou. As a result, Assoumou contends that the settlement negotiations between the parties were nothing less than “a ruse to distract” her.

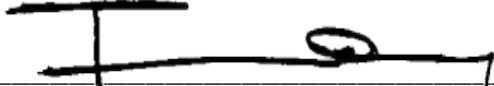
Based on the foregoing, Assoumou fails to proffer any legally cognizable reason warranting a stay of the instant action. In fact, given that a stay is appropriate “in order to avoid the risk of inconsistent adjudications, application of proof and potential waste of judicial resources” (*In re Tenenbaum* at 739; *Zonghetti* at 562), here,

where it is clear that plaintiff has no interest on settling this matter, a stay would only serve to unnecessarily halt the prosecution of the action. To be sure, despite Assoumou's assertions, plaintiff has separately moved seeking a default judgment against Assamou and all other defendants and the issuance of an order of reference. Thus, the instant motion is denied. It is hereby

**ORDERED** that plaintiff serve a copy of this Decision and Order and with Notice of Entry upon defendants and within 30 days hereof.

This constitutes this Court's decision and Order.

Dated : 8/8/22



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Hon. FIDEL E. GOMEZ, AJSC