

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

D56214  
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Submitted - April 26, 2018

ALAN D. SCHEINKMAN, P.J.  
REINALDO E. RIVERA  
CHERYL E. CHAMBERS  
HECTOR D. LASALLE, JJ.

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2016-03687

DECISION & ORDER

Landmark Capital Partners, LLC, et al.,  
plaintiffs-respondents, v Wendell Greaves, appellant, et al.,  
defendants; BH Flushing, LLC, nonparty-respondent.

(Index No. 29631/09)

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Steve C. Okenwa, New York, NY, for appellant.

Scott A. Rosenberg, P.C., Garden City Park, NY (Kevin R. Toole of counsel), for  
plaintiffs-respondents Landmark Capital Partners, LLC, and Green Mountain Finance  
Fund, LLC (no brief filed).

Law Office of Keith S. Garret, P.C., Babylon, NY, for nonparty-respondent.

In an action to foreclose a mortgage, the defendant Wendell Greaves appeals from an order of the Supreme Court, Kings County (Lawrence Knipel, J.), dated February 19, 2016. The order denied his motion pursuant to CPLR 2221, denominated as one for leave to renew and reargue his prior motion pursuant to CPLR 5015(a)(4) to vacate a judgment of foreclosure and sale of the same court dated November 21, 2014, and to dismiss the complaint insofar as asserted against him for lack of personal jurisdiction.

ORDERED that the appeal is dismissed, with costs.

The appellant's motion, denominated as one for leave to renew and reargue, did not offer any new facts that had not been offered on the prior motion to vacate a judgment of foreclosure and sale and to dismiss the complaint insofar as asserted against him for lack of personal jurisdiction. Therefore, the motion, although denominated as one for leave to renew and reargue, was, in actuality, only for leave to reargue, the denial of which is not appealable (*see* CPLR 2221[d][2]; [e][2]; *Arch*

August 8, 2018

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*Bay Holdings, LLC-Series 2010C v Daisy*, 132 AD3d 787, 787; *Poulard v Judkins*, 102 AD3d 665, 666; *Strunk v Revenge Cab Corp.*, 98 AD3d 1030, 1031; *Blackwell v Mikevin Mgt. III, LLC*, 88 AD3d 836, 838). Accordingly, the appeal must be dismissed.

SCHEINKMAN, P.J., RIVERA, CHAMBERS and LASALLE, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court