

**Rector, Church-Wardens & Vestrymen of Trinity Church in  
the City of New York v Varick Parking, LLC & Rafael Llopiz**

Motion No: 2022-01417

Slip Opinion No: 2022 NYSlipOp 65541(U)

Decided on May 05, 2022

Appellate Division, First Department, Motion Decision

Published by [New York State Law Reporting Bureau](#) pursuant to  
Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the  
Official Reports.

**Supreme Court of the State of New York**  
**Appellate Division, First Judicial Department**

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Barbara R. Kapnick  
Ellen Gesmer  
Tanya R. Kennedy  
Julio Rodriguez III, Justices.

---

The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, Plaintiff-Appellant,	Motion No. 2022-01417 Index No. 155609/21 Case No. 2022-01292
--	---

---

-against-

Varick Parking, LLC and Rafael Llopiz,  
Defendants-Respondents.

---

Plaintiff-appellant having moved, pursuant to CPLR 5704(a), for an order requiring the defendants to pay rent/use and occupancy in the amount of (i) \$116,532.10 for the months of September 2021, October 2021, November 2021, December 2021, January 2022, February 2022, and March 2022, and (ii) \$116,532.10 on the first day of each month thereafter, pendente lite, pending the Supreme Court's determination of this action, a Justice of the Supreme Court, New York County, having declined to sign an order to show cause seeking such relief, on or about March 29, 2022,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of making the underlying order to show cause returnable in the Supreme Court, New York County, at a date and time convenient to the court, for a determination on the merits, and it is further

Ordered that pending the hearing and determination of said motion by Supreme Court, defendant-tenant is directed to pay use and occupancy pendente lite at the base rent established in the lease (\$55,862.50 per month) for the months of September 2021, October 2021, November 2021, December 2021, January 2022, February 2022, March 2022, April 2022 and May 2022, and for each month thereafter. The payments for arrears shall be made within 10 days of the date of this order.

Plaintiff shall serve a copy of this order on the Ex Parte Office of the Supreme Court, New York County within 10 days of the date hereof.

ENTERED: May 05, 2022

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first name "Susanna" and the last name "Rojas" being the most prominent parts.

Susanna Molina Rojas  
Clerk of the Court