

Espinal v Palazzolo

2014 NY Slip Op 33844(U)

December 4, 2014

Supreme Court, Bronx County

Docket Number: 310162/11

Judge: Julia I. Rodriguez

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This opinion is uncorrected and not selected for official publication.

PART 27

Case Disposed	<input type="checkbox"/>
Settle Order	<input type="checkbox"/>
Schedule Appearance	<input type="checkbox"/>

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

-----X
 ESPINAL, EULALIA

Index No. 0310162/2011

-against-

Hon. JULIA RODRIGUEZ,

PALAZZOLA, FRANK

Justice.

-----X

The following papers numbered 1 to _____ Read on this motion, **REARGUE/RENEW/RESETTLE/RECONSI**
 Noticed on **August 28 2014** and duly submitted as No. _____ on the Motion Calendar of _____

	PAPERS NUMBERED	
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	1	
Answering Affidavit and Exhibits		
Replying Affidavit and Exhibits		
_____ Affidavits and Exhibits		
Pleadings - Exhibit		
Stipulation(s) - Referee's Report - Minutes		
Filed Papers		
Memoranda of Law		

Upon the foregoing papers this

Motion is Respectfully Referred to:

Justice: _____

Dated: _____

Plaintiff's motion for reargument of this Court's Order dated June 4, 2014 is granted in its entirety, and upon reargument, Order of June 4, 2014 is recalled and vacated. Upon reconsideration, Plaintiff's underlying motion seeking, *inter alia*, substitution of Plaintiff to reflect the appointment of Juan Corcino, as Administrator of the Estate of Eulalia Espina, decedent, and upon amendment of the caption to lift the stay of the action, is **granted** as fully set forth in Amended Decision and Order annexed hereto.

Dated: 12, 4, 2014

Hon. _____

J. Rodriguez
 JULIA RODRIGUEZ, J.S.C.

C

At an Individual Assignment Part 27 of the
Supreme Court of the State
of New York, County of Bronx, 851 Grand
Concourse, Bronx, New York on the 4th day
of December 2014

P R E S E N T :

HON. JULIA I. RODRIGUEZ,

Justice

-----X Index No.: 310162/11
EULALIA ESPINAL,

Plaintiff,

- against -

FRANK PALAZZOLO, individually and as alter ego of
certain defendants; RIDGEWOOD SAVINGS BANK, a
New York mutual savings bank; NEW LINE REALTY III
CORP., a New York corporation; SEMPER FI
MANAGEMENT CORP., a New York corporation;
SEMPER FI MANAGEMENT 3 CORP., a New York
corporation; SEMPER FI MANAGEMENT 4 CORP., a
New York corporation; NEW LINE REALTY CORP., a
New York corporation; NEW LINE REALTY II CORP.,
a New York corporation, NEW LINE REALTY IV
CORP., a New York corporation; CPR MANAGEMENT
II CORP., a New York corporation; CPR
MANAGEMENT V AND VI CORP., a New York
corporation; CPR MANAGEMENT IX CORP., a New
York corporation; QUEST PROPERTY
MANAGEMENT, INC., a New York corporation; 4303
BAYCHESTER LLC, a New York limited liability
company; QUEST PROPERTY MANAGEMENT II
CORP., a New York corporation; 505 EAST 178 LLC, a
New York limited liability company; QUEST
PROPERTY MANAGEMENT III CORP., a New York
corporation; 983 EAST 181 LLC, a New York limited
liability company; QUEST PROPERTY

AMENDED
DECISION and
ORDER

1064 WARD LLC, a New York limited liability company; PALAZZOLO HOLDING CORP., a New York corporation; 1030 ASSOCIATES, INC., a New York corporation; NEW START MANAGEMENT CORP., a New York corporation; PALAZZOLO MANAGEMENT II CORP., a New York corporation; and QUEST PROPERTY MANAGEMENT V CORP., a New York corporation,

Defendants.

-----X

JUAN CORCINO, as the Administrator of The Estate of EULALIA ESPINAL, plaintiff-decedent, having moved this Court for an Order (1) pursuant to CPLR § 2221(d) for leave to reargue this Court's prior decision and order, dated June 4, 2014 and entered by the County Clerk of Bronx County on June 18, 2014 and (2) pursuant to CPLR § 2221(e) for leave to renew said Decision and Order and said motion having duly come on before this Court on the th 28 day of Aug. 2014; and there being no opposition,

Now, upon reading and filing the Notice of Motion for an Order pursuant to CPLR § 2221(d) and CPLR § 2221(e), the Affirmation of DAVID A. KAPELMAN, dated July 31, 2014 and exhibits thereto in support with proof of service, it is

ORDERED, that the motion for an Order pursuant to CPLR § 2221(d) and CPLR 2221(e) is granted, and upon such granting, it is further

ORDERED, that Juan Corcino, as Administrator of The Estate of Eulalia Espinal, decedent, be substituted as plaintiff, and that the caption be amended as follows by the County Clerk of Bronx County:

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

-----X

JUAN CORCINO, as The Administrator of The Estate of EULALIA ESPINAL, decedent,

Index No.: 310162/11

Plaintiff,

- against -

FRANK PALAZZOLO, individually and as alter ego of certain defendants; RIDGEWOOD SAVINGS BANK, a New York mutual savings bank; NEW LINE REALTY III CORP., a New York corporation; SEMPER FI MANAGEMENT CORP., a New York corporation; SEMPER FI MANAGEMENT 3 CORP., a New York corporation; SEMPER FI MANAGEMENT 4 CORP., a New York corporation; NEW LINE REALTY CORP., a New York corporation; NEW LINE REALTY II CORP., a New York corporation, NEW LINE REALTY IV CORP., a New York corporation; CPR MANAGEMENT II CORP., a New York corporation; CPR MANAGEMENT V AND VI CORP., a New York corporation; CPR MANAGEMENT IX CORP., a New York corporation; QUEST PROPERTY MANAGEMENT, INC., a New York corporation; 4303 BAYCHESTER LLC, a New York limited liability company; QUEST PROPERTY MANAGEMENT II CORP., a New York corporation; 505 EAST 178 LLC, a New York limited liability company; QUEST PROPERTY MANAGEMENT III CORP., a New York corporation; 983 EAST 181 LLC, a New York limited liability company; QUEST PROPERTY MANAGEMENT IV CORP., a New York corporation; 1064 WARD LLC, a New York limited liability company; PALAZZOLO HOLDING CORP., a New York corporation; 1030 ASSOCIATES, INC., a New York corporation; NEW START MANAGEMENT CORP., a New York corporation; PALAZZOLO MANAGEMENT II CORP., a New York corporation; and QUEST PROPERTY MANAGEMENT V CORP., a New York corporation,

Defendants.

-----X

and it is further

ORDERED, that the stay imposed by the death of Eulalia Espinal is lifted upon the amendment of the caption by the Clerk of Court, Bronx County, it is further

ORDERED, upon the amendment of the caption by the Clerk of Court, Bronx County that a CPLR § 3215(a) default is granted against the following defendants:

- a. New Line Realty III Corp.;
- b. Semper Fi Management Corp.;
- c. Semper Fi Management 3 Corp.;
- d. New Line Realty Corp.;
- e. New Line Realty II Corp.;
- f. New Line Realty IV Corp.;
- g. CPR Management II Corp.;
- h. CPR Management V and VI Corp.;
- i. CPR Management IX Corp.;
- j. Palazzolo Holding Corp.;
- k. 1030 Associates, Inc.;
- l. New Start Management Corp.;
- m. Quest Property Management V Corp.;
- n. Quest Property Management, Inc.;
- o. Quest Property Management II Corp.;
- p. Quest Property Management III Corp.;
- q. 983 East 181 LLC;
- r. Quest Property Management IV Corp.;
- s. Palazzolo Management II Corp.;
- t. 4303 Baychester LLC;
- u. 505 East 178 LLC; and;

v. 1064 Ward LLC;

and it is further

ORDERED, that the plaintiff settle Money Judgments against defaulting defendants:

- a. New Line Realty III Corp.;
- b. Semper Fi Management Corp.;
- c. Semper Fi Management 3 Corp.;
- d. New Line Realty Corp.;
- e. New Line Realty II Corp.;
- f. New Line Realty IV Corp.;
- g. CPR Management II Corp.;
- h. CPR Management V and VI Corp.;
- i. CPR Management IX Corp.;
- j. Palazzolo Holding Corp.;
- k. 1030 Associates, Inc.;
- l. New Start Management Corp.;
- m. Quest Property Management V Corp.;
- n. Quest Property Management, Inc.;
- o. Quest Property Management II Corp.;
- p. Quest Property Management III Corp.;
- q. 983 East 181 LLC;
- r. Quest Property Management IV Corp.;
- s. Palazzolo Management II Corp.;
- t. 4303 Baychester LLC;

u. 505 East 178 LLC; and,

v. 1064 Ward LLC.

Dated: Dec. 4, 2014

ENTER



J.S.C.
Hon. Julia I. Rodriguez