

PD Cargo, CA v Lacteos CDS
2015 NY Slip Op 30030(U)
January 6, 2015
Supreme Court, New York County
Docket Number: 653101/2014
Judge: Cynthia S. Kern
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At an IAS Part 55 of the Supreme Court of the State of New York, held in the County of New York at the Courthouse located 60 Centre Street, New York County on the 6th day of January, 2015.

PRESENT: HON. CYNTHIA S. KERN, Justice
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PD CARGO, CA,

Plaintiff,

ORDER

--against --

**LACTEOS CDS a/k/a CAPILLA DEL SENOR,
SA, a/k/a CDS, PATEN INTERNATIONAL
SA, and MORGAN STANLEY, a/k/a/ MORGAN STANLEY INC. a/k/a MORGAN STANLEY, LLC,** **Index No: 653101/2014**

Defendants.

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This matter having come before this Court on an *ex parte* application for an Order against defendants LACTEOS CDS a/k/a CAPILLA DEL SENOR, SA, a/k/a CDS and PATEN INTERNATIONAL, SA, pursuant to CPLR 6201(1) et seq. and against the assets of these defendants, and any interest either of them may have in any personal property or any debt owed to either of them situated in the State of New York, more particularly, the account of Paten International SA, Account # 04-H0DA5 at Morgan Stanley & Co., Inc., New York, New York for the principal sum of \$255,250.00, plus interest; and

Upon the issuance of an Order to Show Cause why such Order should not issue on November 12, 2014; and

Upon plaintiff's application that pending the hearing of this motion, defendants, LACTEOS CDS a/k/a CAPILLA DEL SENOR, SA, a/k/a CDS, PATEN INTERNATIONAL, SA, and MORGAN STANLEY, a/k/a/ MORGAN STANLEY INC. a/k/a MORGAN STANLEY, LLC, and each of them, and all other persons and garnishees, be restrained and prohibited from transferring or paying any assets of such defendants, including but not limited to any interest in bank account # 04-H0DA5 at Morgan Stanley & Co., Inc., New York, New York in the name of Paten International, SA, or any debt owed to such defendants, to the extent of \$255,250.00 an Order be issued; and

Upon the issuance of an Order that pending the hearing of this motion, defendants, LACTEOS CDS a/k/a CAPILLA DEL SENOR, SA, a/k/a CDS, PATEN INTERNATIONAL, SA, and MORGAN STANLEY, a/k/a/ MORGAN STANLEY INC. a/k/a MORGAN STANLEY, LLC, and each of them, and all other persons and garnishees, were restrained and prohibited from transferring or paying any interest in bank account # 04-H0DA5 at Morgan Stanley & Co., Inc., New York, New York in the name of Paten International, SA, to the

extent of \$255,250.00 on November 12, 2014; and

Plaintiff having made the undertaking fixed by the Court in its Order; and

Plaintiff having filed proof of service of this Court's Order to Show Cause and the papers upon which it was based by Federal Express International Priority Mail on defendants LACTEOS CDS a/k/a CAPILLA DEL SENOR, SA, a/k/a CDS, PATEN INTERNATIONAL, SA on November 13, 2014; and proof of personal service on MORGAN STANLEY, a/k/a/ MORGAN STANLEY INC. a/k/a MORGAN STANLEY, LLC on November 13, 2014; and

Plaintiff having filed proof of personal service of this Court's Order to Show Cause and the papers upon which it was based on defendant LACTEOS CDS a/k/a CAPILLA DEL SENOR, SA, a/k/a CDS in Argentina on November 20, 2014; and

Plaintiff having filed proof of additional personal service of this Court's Order to Show Cause and the papers upon which it was based on defendant LACTEOS CDS a/k/a CAPILLA DEL SENOR, SA, a/k/a CDS in Argentina on December 2, 2014; and

Plaintiff having filed proof of personal service of this Court's Order to Show Cause and the papers upon which it was based in Panama on defendant PATEN INTERNATIONAL, SA on December 3, 2014; and

The Court having examined each of the foregoing proofs of service in the original; and

This Court having issued an Order on December 9, 2014 granting the relief sought by the plaintiff on default against defendants LACTEOS CDS a/k/a CAPILLA DEL SENOR, SA, a/k/a CDS and defendants MORGAN STANLEY, a/k/a/ MORGAN STANLEY INC. a/k/a MORGAN STANLEY, LLC; and

This Court having extended the time to properly serve defendant PATEN INTERNATIONAL, SA and PATEN INTERNATIONAL, SA having failed to appear and/or oppose plaintiff's application heretofore,

IT IS ON THIS 6TH DAY OF JANUARY, 2015 ORDERED that LACTEOS CDS a/k/a CAPILLA DEL SENOR, SA, a/k/a CDS, PATEN

INTERNATIONAL, SA, and MORGAN STANLEY, a/k/a/ MORGAN STANLEY
INC. a/k/a MORGAN STANLEY, LLC, and each of them, and all
other persons and garnishees, be and are hereby restrained and
prohibited from transferring or paying any interest in bank
account # 04-H0DA5 at Morgan Stanley & Co., Inc., New York,
New York in the name of Paten International, SA, to the extent
of \$255,250.00 during the pendency of this action.

So Ordered:

1/6/15

E N T E R

Hon. Cynthia S. Kern
Supreme Court Justice



HON. CYNTHIA S. KERN
Supreme Court Justice

CYNTHIA S. KERN
J.S.C.