

Wells Fargo Bank, N.A. v Orozco

2023 NY Slip Op 32396(U)

July 17, 2023

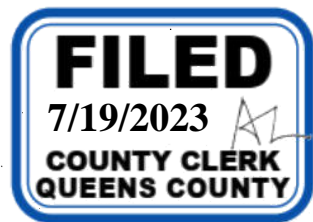
Supreme Court, Queens County

Docket Number: Index No. 710213/16

Judge: Allan B. Weiss

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This opinion is uncorrected and not selected for official publication.



Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: Honorable ALLAN B. WEISS IAS PART 2
Justice

WELLS FARGO BANK, N.A.,

Index No. 710213/16

Plaintiff,

Motion Date: 5/10/23

-against-

GUSTAVO OROZCO, et al.,

Motion Seq. No. 7

Defendants.

The papers numbered EF Document Numbers 168-179, found on NYSCEF, were read on the motion by pro se defendant Maria Rangel to dismiss on various grounds.

Defendant Rangel's motion, in all respects, is denied. The defendant has engaged in consecutive and repetitive motions to dismiss. The pro se defendant has sent emails to Chambers without notice to her adversaries and has, indeed, filed future orders to show cause [see, e.g., EF Doc. Nos. 198-199, & 202] repeating arguments previously made unsuccessfully.

The present motion to renew is denied in all respects. As a matter of substance, the argument by Rangel that the newly enacted Foreclosure Abuse Prevention Act ("FAPA") is to be given retroactive effect, is without merit. If FAPA were to be given retroactive effect, it would be destructive to and plainly violate the substantive due process rights of the plaintiff under both the United States and the New York State Constitutions.

Dated: July 17, 2023
D#65

J.S.C.