

**Wisdom Equities LLC v One Horse & Two Snakes
Inc.**

2026 NY Slip Op 30154(U)

January 6, 2026

Supreme Court, Kings County

Docket Number: Index No. 506102/2024

Judge: Derefim B. Neckles

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This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part FSMP of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, 11201 on the 6th day of January, 2026.

P R E S E N T:

HON. DEREKIM B. NECKLES,

Justice.

✓ -----X

WISDOM EQUITIES LLC,

Plaintiff,

- against -

Index No. 506102/2024 ✓

✓ ONE HORSE & TWO SNAKES INC., ET AL,

Defendants.

-----X

The following e-filed papers read herein:

NYSCEF Doc Nos.

Notice of Motion/Affidavits (Affirmations) Annexed
Opposition Affirmation to Motion
Reply Affirmation to Opposition

54-76
85-102
106

Upon the foregoing papers in this proceeding, plaintiff moves (under mot. seq. 1) for an order (1) awarding the plaintiff summary judgment against the answering defendants, and a default judgment against the non-answering defendants; (2) striking the answer interposed on behalf of the defendants One Horse & Two Snakes Inc., Roland Stanley Williams and Shaneke O. Bains; (3) appointing a referee to compute the total sums due and owing to plaintiff; (4) amending the caption; and (5) awarding the plaintiff the costs and disbursements of this motion.

Background

Plaintiff commenced this action on February 29, 2024, to foreclose on the mortgage encumbering the subject property located at 577 Lexington Avenue, Brooklyn, New York. Defendants One Horse & Two Snakes Inc., Roland Stanley Williams and Shaneke O. Bains (“defendants”) served an answer to the complaint on April 17, 2024. Plaintiff now files the instant motion for summary judgment.

Defendants oppose on the grounds that this motion is premature as the parties have not completed discovery, plaintiff has not proven its standing, and plaintiff committed criminal usury when it allegedly charged an interest rate exceeding 25%.

In reply, plaintiff asserts that defendant is not entitled to conduct discovery once a summary judgment motion is pending, plaintiff has proven standing, and defendant’s usury allegations are meritless because they are based on a prior loan and not the subject loan.

Discussion

The proponent of a summary judgment motion must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to demonstrate the absence of any material issues of fact (*Alvarez v. Prospect Hosp.*, 68 N.Y.2d 320, 324, 501 N.E.2d 572, 574 (1986)). Where a plaintiff in a foreclosure action produces the mortgage and unpaid note together with evidence of the borrower’s failure to make payment in accordance with its terms, plaintiff establishes its prima facie entitlement to a judgment as a matter of law. Once this showing has been made, however, the burden shifts to the party opposing the motion for summary judgment to produce evidentiary proof in

admissible form sufficient to establish the existence of material issues of fact which require a trial of the action (*Zuckerman v. City of New York*, 427 N.Y.S.2d 595).

Here, in support of its motion, plaintiff submits copies of the first mortgage, second mortgage, consolidated mortgage, and third mortgage. Plaintiff also submits copies of the unpaid notes for the above mortgages. Finally, plaintiff submits evidence of the borrower's default, through submission of an affidavit from Ramin Baratian, a member of Wisdom Equities LLC, who attests that defendant defaulted in making payments on July 14, 2023, and annexed loan activity logs.

In opposition, defendant fails to establish the existence of material issues of fact that would require a trial. While defendant contends that the court should permit the parties to conduct discovery, defendant did not make a discovery request until after plaintiff moved for summary judgment, and CPLR 3214(b) imposes an automatic stay while a summary judgment motion is pending (*Dojce v. 1302 Realty Co., LLC*, 199 A.D.3d 647 [2d Dept 2021]).

Defendant also asserts that plaintiff lacks standing to commence this action. A plaintiff has standing in a mortgage foreclosure action where it is the holder or assignee of the underlying note at the time the action is commenced. "Either a written assignment of the underlying note or the physical delivery of the note prior to the commencement of the foreclosure action is sufficient to transfer the obligation, and the mortgage passes with the debt as an inseparable incident" *Deutsche Bank Nat. Tr. Co. v. Brewton*, 142 A.D.3d 683, 684 [2d Dept 2016]). Here, plaintiff has established it has standing by annexing a copy of the written assignment of the mortgage and underlying note, and through the Baratian

affidavit and business records, which states that plaintiff had physical possession of the note on December 9, 2023, prior to the commencement of the instant action. Finally, the court finds defendant's defense of criminal usuary to be without merit.

Accordingly, it is

ORDERED that plaintiff's motion (mot. seq. 1) is granted in all respects. Long form order to follow.

This constitutes the decision and order of the court.

E N T E R,



HON. DEREKIM B. NECKLES

J. S. C.