

Williams v Nooks

2026 NY Slip Op 31187(U)

March 23, 2026

Supreme Court, Kings County

Docket Number: Index No. 528922/2024

Judge: Anne J. Swern

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At an IAS Trial Term, Part 75 of the Supreme Court of the State of New York, Kings County, at the Courthouse located at 360 Adams Street, Brooklyn, New York on the 23rd day of March 2026

P R E S E N T: HON. ANNE J. SWERN, J.S.C.

MARK WILLIAMS,

Plaintiff,

-against-

Carris Nooks, Kenyatta S. Blake, Kenneth Blake aka Ken Blake, Eliyas Property NY, LLC, Ely Sakhai and Bank of New York Mellon, as Collateral Agent and Custodian of NYCTL1998-2 Trust,

Defendant(s).

DECISION & ORDER

Index No.: 528922/2024

Calendar No.: 41

Motion Seq.: 003

Return Date: 1/29/2026

Recitation of the following papers as required by CPLR 2219(a):

**NYSCEF
Papers
Numbered**

Notice of Motion, Affirmation,	
Affidavits and Exhibits	81-89
Affirmation and Exhibits in Opposition	91-100
Reply Affirmation and Exhibits	

Upon the foregoing papers and after oral argument, the decision and order of the Court is as follows:

Plaintiff, Mark Williams (Williams), commenced this action alleging that defendant Carris Nooks (Nooks) fraudulently conveyed title to 298 and 304 East 51st Street, Brooklyn, New York 11203, Block 4656, Lots 18 and 20 (the premises) to Kenyatta Blake (Blake) by a deed dated 8/8/2024 and recorded on 9/19/2024. It is alleged that Ely Sakhai is the owner of Eliyas Property NY, LLC (“Eliyas defendants”), and CV XXVIII, LLC, the entity that has been substituted as the plaintiff in place of Bank of New York Mellon, the plaintiff in a tax foreclosure proceeding commenced against Williams bearing index #510073/2015 (*see* Complaint, ¶¶14-15

[NYSCEF 1]).¹ Plaintiff further alleges that Nooks, Kenyatta Blake and Sakhai acted in concert to prevent plaintiff from selling title to the premises to resolve open liens in a tax foreclosure proceeding (Index #503125/2020). The complaint alleges five causes of action, *i.e.*, discrimination under Color of Law, Fraud, Deceptive Business Practices, Unjust Enrichment and Conversion. The complaint also seeks a declaratory judgment vacating the 8/8/2024 deed.

Procedural History

Plaintiff previously moved this Court by Order to Show Cause for an order vacating the 8/8/2024 deed, restraining defendants Kenyatta and Kenneth Blake from removing Williams' property from the premises and directing the return of Williams' personal belongings that he alleges were previously removed from the premises. Defendants Ely Sakhai and Eliyas Property NY LLC also previously moved this Court for an order dismissing this action per CPLR § 3211 [7] and § 3016. Kenyatta Blake was in default but submitted opposition by an attorney without serving an answer or a pre-answer motion to dismiss per CPLR § 3211. Defendants Kenneth Blake and Carris Nooks also did not appear either *pro se* or by an attorney in this action. The Bank of New York Mellon appeared and answered but has not taken a position concerning the Order to Show Cause or the Motion to Dismiss.

By an order dated 6/2/2025, this Court decided the Order to Show Cause and Motion to Dismiss as follows:

¹ This allegation is incorrect. In Index #510073/2015, CVXXVIII, LLC, is the plaintiff in a mortgage foreclosure proceeding, as the successor in interest to One Sutton Realty Corp. (*see also* Purchase Money Mortgage, 528922/2024, NYSCEF DOC. 61). In Index #503125/2020, CVXXVII, LLC and Mark Williams are defendants in a tax foreclosure proceeding commenced by NYCTL 1998-2 Trust and The Bank of New York Mellon, as Collateral Agent and Custodian. A Judgment of Foreclosure and Sale was granted in the tax foreclosure proceeding (503125/2020, NYSCEF 69 and 72). The most recent sale scheduled for 1/16/2025 is stayed pending a determination of Mark Williams' Order to Show Cause for a stay of the tax foreclosure sale (*id.* DOCS. 87-89).

- 1) The injunction was granted against defendants Carris Nooks, and Kenneth Blake aka Ken Blake, on default.
- 2) The injunction was granted against defendant Kenyatta Blake after oral argument.
- 3) Defendants Carris Nooks, Kenyatta Blake and Kenneth Blake aka Ken Blake were permanently enjoined from removing plaintiff's personal and professional belongings from 298 and 304 East 51st Street, Brooklyn, New York 11203.
- 4) Defendants Carris Nooks, Kenyatta Blake and Kenneth Blake aka Ken Blake were directed to return and restore plaintiff's personal and professional belongings within 30 days of service of the Order with Notice of Entry by Overnight Mail.
- 5) The Warranty Deed dated 8/8/2024 executed by defendant Nooks and transferring the premises known as 298 and 304 East 51st Street, Brooklyn, New York 11203 Block 4656, Lots 18 and 20, and recorded on 9/19/2024, CRFN 2024000245921, Document ID #2024082200011001, was declared invalid and vacated.
- 6) Kenyatta Blake and Carris Nooks, were forever barred from asserting any claim to title in 298 and 304 East 51st Street, Brooklyn, New York 11203 Block 4656, Lots 18 and 20.
- 7) Plaintiff Mark Williams was declared the owner in fee simple of the premises known as 298 and 304 East 51st Street, Brooklyn, New York 11203 Block 4656, Lots 18 and 20.
- 8) Plaintiff's Order to Show Cause for an injunction against defendants Eliyas Property NY, LLC and Ely Sakhai was denied (MS 001).
- 9) The motion by defendants Eliyas Property NY, LLC and Ely Sakhai to dismiss this action against them was granted.

Plaintiff served the Order with Notice of Entry on 7/15/2025. A Notice of Appeal was not served by any party who took a position on the Order to Show Cause and Motion to Dismiss.

On 9/16/2025, more than 60 days after service of the order, Kenyatta S. Blake moved this Court for an order per CPLR § 2221 [e] granting leave to renew the 6/2/2025 Order; vacating the Order per CPLR § 5015 [a] [4] based on lack of personal jurisdiction, and permitting Blake to file a late answer per CPLR § 2004, § 2005 and § 3012 [d] based on law office failure by her prior attorney. This motion was filed by newly retained counsel.

As argued by plaintiff, law office failure does not *per se* qualify as justification on a motion to renew under CPLR § 2221 [e] absent a reasonable justification for the failure to present the new facts on the original motion and is not a second chance to a party who neglected to include available evidence with due diligence (*Mooklal v Clermont Farm Corp.*, 187 AD3d 740, 741 [2d Dept 2020]). It is within the Court's discretion to grant such a motion (*id.*; *see also JPMorgan Chase Bank, N.A. v EY Bay Ridge, LLC*, 212 AD3d 794, 795 [2d Dept 2023]).

In the Court's discretion, the motion for leave to renew is denied. Ms. Blake has not come forward with newly discovery evidence that was unavailable with due diligence at the time the 6/2/2025 order was issued. Ms. Blake, through prior counsel, elected to oppose plaintiff's Order to Show Cause without moving for the relief she now seeks. More importantly, Ms. Blake did not submit her own affidavit concerning the alleged lack of service and jurisdiction over her in opposition to the underlying Order to Show Cause. Accordingly, Ms. Blake has not demonstrated that with due diligence she could not submit her own motion with an affidavit to vacate her default and serve a late answer in response to plaintiff's Order to Show Cause (*Mooklal v Clermont Farm Corp.*, 187 AD3d 741). It is also noted that Ms. Blake's affidavit is also defective because the introductory paragraph swearing under the penalty of perjury does not include Ms. Blake's name; rather it includes her attorney's name.

The Court has considered the parties' remaining arguments and find same to be without merit.

Accordingly, it is hereby

ORDERED that defendant's motion for an order per CPLR § 2221 [e] is denied.

This constitutes the decision and order of this Court.

ENTER:

A handwritten signature in blue ink, appearing to be 'AS', is written over a horizontal line.

Hon. Anne J. Swern, J.S.C.

Dated: 3/23/2026