

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

PRESENT: **BARBARA R. KAPNICK**  
*Justice*

PART 39

Index Number : 651786/2011  
BANK OF NEW YORK MELLON  
vs  
FOR AN ORDER PURSUANT TO  
Sequence Number : 042  
DISMISS ACTION

INDEX NO. \_\_\_\_\_  
MOTION DATE \_\_\_\_\_  
MOTION SEQ. NO. \_\_\_\_\_

The following papers, numbered 1 to \_\_\_\_\_, were read on this motion to/for \_\_\_\_\_

Notice of Motion/Order to Show Cause — Affidavits — Exhibits \_\_\_\_\_ | No(s). \_\_\_\_\_  
Answering Affidavits — Exhibits \_\_\_\_\_ | No(s). \_\_\_\_\_  
Replying Affidavits \_\_\_\_\_ | No(s). \_\_\_\_\_

Upon the foregoing papers, it is ordered that this motion is

*denied*  
~~MOTION IS DECIDED~~ IN ACCORDANCE WITH *the*  
~~ACCOMPANYING~~ MEMORANDUM DECISION  
*accompanying mot. seq. no. 001*

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE  
FOR THE FOLLOWING REASON(S):

Dated: 1/31/14

  
\_\_\_\_\_, J.S.C.  
**BARBARA R. KAPNICK**

- 1. CHECK ONE: .....  CASE DISPOSED  NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE: ..... MOTION IS:  GRANTED  DENIED  GRANTED IN PART  OTHER
- 3. CHECK IF APPROPRIATE: .....  SETTLE ORDER  SUBMIT ORDER
- DO NOT POST  FIDUCIARY APPOINTMENT  REFERENCE