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6640 Grand Ave, LLC v. Melendez

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Civil Court of the City of New York
County of Queens
Part B

Index Number 304277-22
Motion Cal. # _____ Motion Seq. # 4142

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

6640 Grand Ave, LLC

Claimant(s)/Plaintiff(s)/Petitioner(s)
against
Melendez, et al

Defendant(s)/Respondent(s)

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	<u>1</u>
Order to Show Cause and Affidavits Annexed....	<u>2</u>
Answering Affidavits	_____
Replying Affidavits.....	_____
Exhibits	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

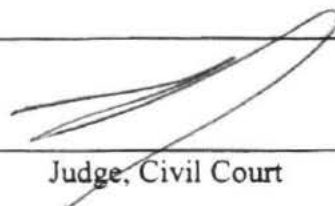
dismiss for failure to comply w/ RPAPC 733 is as follows:
without prejudice

Respondent's motion is granted and the proceedings is dismissed for the reasons set forth in Jimenez v Suarez 2,307924-21 (Civ Ct, Queens Co 2023). The affidavit of service was filed 5/19/22 with an initial return date of 5/26/22. RPAPC 733(c) requires at least 10 days' notice. The prior request order by Judge Ressaos was vacated by Judge Nembhard and therefore has no preclusive or legal effect, moreover Respondent has not consented to personal jurisdiction so as to constitute a waiver of a 733 defense, having filed an answer with a detailed denial of service.

This constitutes the decision and order of the court

6/23/23

Date



Judge, Civil Court

HON. LOGAN J. SCHIFF