

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: LUCY BILLINGS
J.S.C.
Justice

PART 46

PEOPLE OF THE STATE OF NEW YORK, et al.

INDEX NO. 450460/2016

-v-

NORTHERN LEASING SYSTEMS, INC., et al.

MOTION DATE

MOTION SEQ. NO. 005

The following papers, numbered 343 to 367, were read on this motion to/for appear as amicus curiae.

- Notice of Motion/Order to Show Cause — Affidavits — Exhibits No(s). 343-51
Answering Affidavits — Exhibits No(s). 356-62, 367
Replying Affidavits No(s).

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

The court grants the motion by the New York City Bar Association to the extent of permitting the City Bar Association to appear as amicus curiae and to file its memorandum in this proceeding. The City Bar Association presents the perspective of regular users of the New York City Civil Court in New York County, whose claims bear substantial connections to New York, and who are impacted by the deluge of thousands of collection actions that respondents commence in that court annually, which bear no connection to New York. The amicus illustrates the defenses that defendants "would be uniformly entitled to interpose" in these collection actions where, in the vast majority of them, "default judgments have been obtained," C.P.L.R. § 5015(c), and the reasons why defendants have defaulted. The amicus also explains the reasons why defendants are prejudiced by the hardship to appear in person, even though they may appear for pretrial proceedings via a telephone conference. These arguments all bear on the petition's claim under C.P.L.R. § 5015(c).

The court has considered the City Bar Association's memorandum and arguments insofar as they related to the petition's claims under New York General Business Law § 349 and against respondents Joseph I. Sussman, P.C., Sussman, and Babad before dismissing those claims. The court will consider the amicus's memorandum and prior arguments insofar as they are based on the evidentiary record before the court when the court determines the petition.

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

Dated: 11/20/17

Lucy Billings
LUCY BILLINGS, J.S.C.
J.S.C.

- 1. CHECK ONE: CASE DISPOSED [ ] NON-FINAL DISPOSITION [x]
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED [x] DENIED [ ] GRANTED IN PART [ ] OTHER [ ]
3. CHECK IF APPROPRIATE: SETTLE ORDER [ ] SUBMIT ORDER [ ]
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