

Exhibit 1

Photographs obtained from local news site Talk of the Sound,
available at <http://www.newrochelletalk.com/content/who-flavio-la-rocca-part-iv>
(last visited March 23, 2016)



Flavio LaRocca











Exhibit 2



Exhibit 3

Bureau of Buildings
Department of Development
515 North Avenue
www.newrochelleny.com
New Rochelle, N.Y. 10801



Tel: (914) 654-2035
Fax: (914) 654-2031

Paul Vacca, C.E.O.
Deputy Commissioner
Development - Building Official

Peter Warycha, C.E.O.
Deputy Building Official of

City of New Rochelle NEW YORK

06/22/2009

FMLR Management, LLC
140 Sussex Road
New Rochelle, N.Y. 10804

Re: 436 Fifth Avenue / Contractors Yard
Section 3, Block 931, Lot 29

Mr. LaRocca:

Please be advised that it has come to the attention of both this office and the Department of Public Works that the legal non-conforming contractor's yard at the aforementioned location is encroaching on City property, specifically the public right of way along East Street. The encroachment was discovered during an inspection of the area and a review of records contained in the files of the City of New Rochelle.

Consistent with the provisions of §281 of the Code of the City of New Rochelle, you are ordered to remove the encroachment within 30 days. You may request a hearing for this matter by contacting the Secretary to the Commissioner of Public Works at 654-2132.

Please feel free to contact me at 654-2036 regarding any questions in the interim.

Very truly yours,

Handwritten signature of Paul Vacca in cursive.

Paul Vacca
Deputy Commissioner of Development/Building Official

Handwritten signature of Jeffrey C. Coleman in cursive.

Jeffrey C. Coleman, PE
Commissioner of Public Works

Exhibit 4

Alexander Tergis
Commissioner



Scott D. Pickup
Deputy Commissioner/Operations

James J. Moran, P.E.
City Engineer



City of New Rochelle
Department of Public Works

November 18, 2015

FMLR Management, LLC
140 Sussex Road
New Rochelle, New York 10804

Re: Notice to Remove
SBL - 3-931-29 - 436 Fifth Ave

Dear Property Owner:

The City of New Rochelle recently completed an examination of the area in which your real property is located, its environs and the siting of improvements made to your property. This review revealed that at certain points where your property and the property of other owners in the area borders the neighboring property owned by the City, there are circumstances where certain improvements, such as a fence with gates, a row or rows of hedges, a concrete wall and in one instance a metal shelf used for storage of materials and equipment, encroaches and intrudes on and over City owned real property. Please note that the above list of encroachments is not and does not constitute a complete list of the intrusions, but is only provided as an example of some of the more obvious transgressions.

Pursuant to Article VII, Section 55 of the Charter of the City, the Commissioner of the Department of Public Works is charged with the duty, among other things, to control the operation and maintenance of public streets. Since permission to use City owned property or a portion thereof has not been given nor secured, this insanctioned use for your personal or business use must cease forthwith. You are hereby directed immediately to remove at your own cost and expense any and all improvements which encroach beyond the boundary of your property and intrude onto any portion of City owned real property.

If you have any questions concerning this matter or wish to resolve this matter, do not hesitate to contact me undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alexander Tergis".

Alexander Tergis
Commissioner of Public Works

January 26, 2004
Page 2 of 2

cc: Kathleen E. Gill, Chief of Staff for Policy
and Government Affairs/Corporation Counsel

Form 5 - SUITABLE WITH MAILING

Jeri



P508679

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
SUPREME COURT WESTCHESTER COUNTY STATE OF NEW YORK
CITY OF NEW ROCHELLE

PLAINTIFF

index No. **54190/2016**

Date Filed

Office No. **07367.00101**

Court Date.

- vs -

FLAVIO LA ROCCA, ETAL

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

MICHAEL SCALLERO being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the **05TH** day of **APRIL, 2016** **12:30PM** at

71B POTTER AVENUE
NEW ROCHELLE NY 10801

I served the **NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND VERIFIED COMPLAINT**

upon **FLAVIO LA ROCCA**

the DEFENDANT therein named by delivering and leaving a true copy or copies of the aforementioned documents with **CATHY PORCO, CO-WORKER** a person of suitable age and discretion.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: **FEMALE** COLOR: **WHITE** HAIR: **BLACK**

APP.AGE: **45** APP. HT: **5'5** APP. WT: **200**

OTHER IDENTIFYING FEATURES

GLASSES

On **04/07/2016** I deposited in the United States mail another true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said **DEFENDANT** at the above address. That being **the place of business of the DEFENDANT.**

Copy mailed 1st class mail marked personal and confidential not indicating on the outside thereof by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

COMMENTS:

Sworn to before me this
07TH day of **APRIL, 2016**

SCOTT D. REEVES
Notary Public, State of New York
No. 01RE6331642
Qualified in **NEW YORK**
Commission Expires 10/13/2019

MICHAEL SCALLERO DCA LIC #1455434
inSync Litigation Support, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 7-WEMED-508679

2a

Form 5 - SUITABLE WITH MAILING

Jeri



P508680

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
SUPREME COURT WESTCHESTER COUNTY STATE OF NEW YORK
CITY OF NEW ROCHELLE

index No. **54190/2016**
Date Filed
Office No. **07367.00101**
Court Date.

PLAINTIFF

- vs -

FLAVIO LA ROCCA, ETAL

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

MICHAEL SCALLERO being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the **05TH** day of **APRIL, 2016** **12:30PM** at

71B POTTER AVENUE
NEW ROCHELLE NY 10801

I served the **NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND VERIFIED COMPLAINT**

upon **MARIA LA ROCCA**

the DEFENDANT therein named by delivering and leaving a true copy or copies of the aforementioned documents with **CATHY PORCO, CO-WORKER** a person of suitable age and discretion.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: **FEMALE** COLOR: **WHITE** HAIR: **BLACK**
APP.AGE: **45** APP. HT: **5'5** APP. WT: **200**
OTHER IDENTIFYING FEATURES
GLASSES

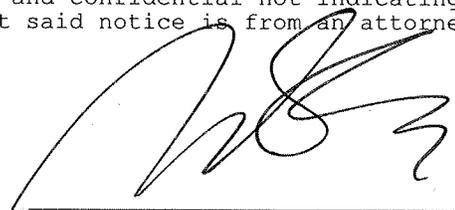
On **04/07/2016** I deposited in the United States mail another true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said **DEFENDANT** at the above address. That being **the place of business of the DEFENDANT.**

Copy mailed 1st class mail marked personal and confidential not indicating on the outside thereof by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

COMMENTS:

Sworn to before me this
07TH day of APRIL, 2016


SCOTT D. REEVES
Notary Public, State of New York
No. 01RE6331642
Qualified in NEW YORK
Commission Expires 10/13/2019


MICHAEL SCALLERO DCA LIC #1455434
inSync Litigation Support, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 7-WEMED-508680

2a

Form 07 - CORPORATION



P508683

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
& DICKER LLP
SUPREME COURT WESTCHESTER COUNTY STATE OF NEW YORK
CITY OF NEW ROCHELLE

WILSON, ELSER, MOSKOWITZ, EDELMAN

index No. **54190/2016**
Date Filed
Office No. **07367.00101**
Court Date.

PLAINTIFF

- vs -

FLAVIO LA ROCCA, ETAL

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

MICHAEL SCALLERO being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the **05TH** day of **APRIL, 2016** at **12:30PM**

71B POTTER AVENUE
NEW ROCHELLE NY 10801

I served a true copy of the **NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND VERIFIED COMPLAINT** upon **FLAVIO LA ROCCA & SONS, INC. A.K.A F. LAROCCA & SONS, INC.** a domestic corporation, the **DEFENDANT** therein named by delivering to, and leaving personally with

CATHY PORCO, MANAGER/MANAGING AGENT

a true copy of each thereof.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows.

SEX: **FEMALE** COLOR: **WHITE** HAIR: **BLACK**

APP.AGE: **45** APP. HT: **5'5** APP. WT: **200**

OTHER IDENTIFYING FEATURES

GLASSES

COMMENTS:

Sworn to before me this
07TH day of APRIL, 2016


SCOTT D. REEVES
Notary Public, State of New York
No. 01RE6331642
Qualified in NEW YORK
Commission Expires 10/13/2019

MICHAEL SCALLERO DCA LIC #1455434
inSync Litigation Support, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 7-WEMED-508683

2a

Form 19 - SECRETARY OF STATE



P508684

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
DICKER LLP
SUPREME COURT WESTCHESTER COUNTY STATE OF NEW YORK
CITY OF NEW ROCHELLE

WILSON, ELSER, MOSKOWITZ, EDELMAN &

index No. **54190/2016**
Date Filed
Office No. **07367.00101**
Court Date.

PLAINTIFF

- vs -

FLAVIO LA ROCCA, ETAL

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

STEVE AVERY being duly sworn, deposes and says that he is over the age of 18 years, resides in the State of New York and is not a party to this action. That on the **05TH** day of **APRIL, 2016** at **12:25 PM** at the Office of the Secretary of State of the State of New York in the City of Albany, New York, he served the **NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND VERIFIED COMPLAINT UPON: FLAVIO LA ROCCA & SONS, INC. A.K.A F. LAROCCA & SONS, INC. the DEFENDANT** in this action, by delivering to and leaving with **NANCY DOUGHERTY, AGENT**

in the office of the Secretary of State of New York, two true copies thereof and at the same time of making such service, deponent paid said Secretary of State, a fee of 40.00 . That said service was made pursuant to Section 306 BCL.

Deponent further describes the person actually served as follows:

SEX: **FEMALE** COLOR: **WHITE** HAIR: **BROWN**
APP.AGE: **55** APP. HT: **5/4** WEIGHT: **145**
OTHER IDENTIFYING FEATURES:

COMMENTS:

Sworn to before me this
06TH day of APRIL, 2016

NADIL R RAMUSEVIC
Notary Public, State of New York
No. 01RA6019423
Qualified in QUEENS COUNTY
Commission Expires 03/22/2019

STEVE AVERY
inSynq Litigation Support, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 7-WEMED-508684

2a

Form 19 - SECRETARY OF STATE



WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
DICKER LLP
SUPREME COURT WESTCHESTER COUNTY STATE OF NEW YORK
CITY OF NEW ROCHELLE

WILSON, ELSER, MOSKOWITZ, EDELMAN &

index No. **54190/2016**
Date Filed
Office No. **07367.00101**
Court Date.

PLAINTIFF

- vs -

FLAVIO LA ROCCA, ETAL

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

STEVE AVERY being duly sworn, deposes and says that he is over the age of 18 years, resides in the State of New York and is not a party to this action. That on the **05TH** day of **APRIL, 2016** at **12:25 PM** at the Office of the Secretary of State of the State of New York in the City of Albany, New York, he served the **NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND VERIFIED COMPLAINT UPON: FMLR REALTY MANAGEMENT LLC** the **DEFENDANT** in this action, by delivering to and leaving with **NANCY DOUGHERTY, AGENT**

in the office of the Secretary of State of New York, two true copies thereof and at the same time of making such service, deponent paid said Secretary of State, a fee of 40.00 . That said service was made pursuant to Section 303 LLC.

Deponent further describes the person actually served as follows:

SEX: **FEMALE** COLOR: **WHITE** HAIR: **BROWN**
APP.AGE: **55** APP. HT: **5/4** WEIGHT: **145**
OTHER IDENTIFYING FEATURES:

COMMENTS:

Sworn to before me this
06TH day of APRIL, 2016

NADIL R. RAMUSEVIC
Notary Public, State of New York
No. 01RA6019423
Qualified in QUEENS COUNTY
Commission Expires 03/22/2019

STEVE AVERY
inSync Litigation Support, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 7-WEMED-508685

2a

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

NOTICE OF APPEARANCE

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

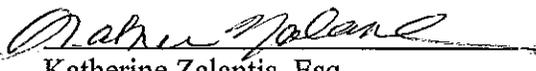
Defendants.
-----X

PLEASE TAKE NOTICE, that the firm of SILVERBERG ZALANTIS LLP hereby enters its appearance as counsel for Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC in the above-captioned action.

Dated: May 5, 2016
Tarrytown, New York

Yours, etc.

SILVERBERG ZALANTIS LLP

By: 
Katherine Zalantis, Esq.
Attorneys for Defendants
220 White Plains Road, 5th Floor
Tarrytown, New York 10591
Tel. (914) 682-0707
Zalantis@szlawfirm.net

To: **Via NYSCEF**
Eliza M. Scheibel, Esq.
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP
Attorneys for Plaintiff

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

**STATEMENT OF AUTHORIZATION FOR
ELECTRONIC FILING
(Single Attorney Authorizing Individual Filing Agent)**

I, Katherine Zalantis, Esq., (Attorney Registration No. 2714954) am an authorized user of the New York State Courts Electronic Filing System ("NYSCEF") (User ID khzalant). I hereby authorize Desiree Soares ("the filing agent") to utilize his/her NYSCEF filing agent ID to file documents on my behalf and at my direction in any e-filed matter in which I am counsel of record through the NYSCEF system, as provided in Section 202.5-b of the Uniform Rules for the Trial Courts.

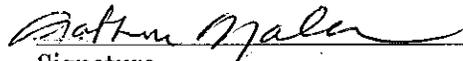
This authorization extends to any consensual matter in which I have previously consented to e-filing, to any mandatory matter in which I have recorded my representation, and to any matter in which I may authorize the filing agent to record my consent or representation in the NYSCEF system.

This authorization extends to any and all documents I generate and submit to the filing agent for filing in any such matter. This authorization, posted once on the NYSCEF website as to each matter in which I am counsel of record, shall be deemed to accompany any document filed in that matter by the filing agent.

This authorization also extends to matters of payment, which the filing agent may make either by debiting an account the filing agent maintains with the County Clerk of any authorized e-filing county or by debiting an account I maintain with the County Clerk of any authorized e-filing county.

This authorization regarding this filing agent shall continue until I revoke it in writing on a prescribed form delivered to the E-Filing Resource Center.

Dated: December 18, 2015


Signature

Katherine Zalantis
Print Name

Silverberg Zalantis LLP
Firm/Department

220 Tarrytown Road, Tarrytown, NY
Street Address

Tarrytown, NY 10591
City, State and Zip Code

914-682-0707
Phone

zalantis@szlawfirm.net
E-Mail Address

(6/6/13)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

**STIPULATION
TO EXTEND TIME**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

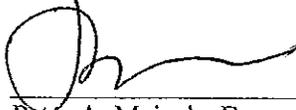
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiff CITY OF NEW ROCHELLE ("City") and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC ("Defendants") as follows:

1. The time for Defendants to answer or otherwise move in connection with the City's Verified Complaint filed in the above-referenced action on April 1, 2016 is hereby extended to May 25, 2016.
2. Defendants waive personal jurisdiction defenses.
3. This Stipulation to Extend Time ("Stipulation") may be executed via facsimile or electronic signature, which shall be taken as original signatures.
4. This Stipulation may be filed with the Clerk of the Court without further notice.

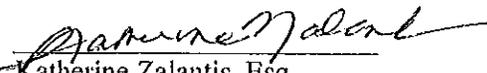
Dated: April 22, 2016

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLP

By: 

Peter A. Meisels, Esq.
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 

Katherine Zalantis, Esq.
Attorneys for Defendants
220 White Plains Road
Tarrytown, New York 10591
(914) 682-0707

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

**STIPULATION
TO EXTEND TIME**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

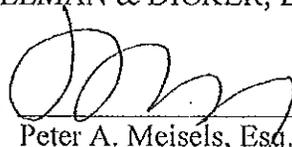
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiff CITY OF NEW ROCHELLE ("City") and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC ("Defendants") as follows:

1. The time for Defendants to answer or otherwise move in connection with the City's Verified Complaint filed in the above-referenced action on April 1, 2016 is hereby further extended to June 25, 2016.
2. This Stipulation to Extend Time ("Stipulation") may be executed via facsimile or electronic signature, which shall be taken as original signatures.
3. This Stipulation may be filed with the Clerk of the Court without further notice.

Dated: May 18, 2016

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLP

By: 

Peter A. Meisels, Esq.

Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 

Katherine Zalantis, Esq.

Attorneys for Defendants
220 White Plains Road
Tarrytown, New York 10591
(914) 682-0707

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

**STIPULATION
TO EXTEND TIME**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

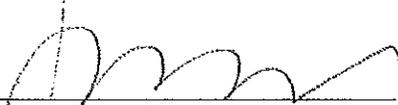
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiff CITY OF NEW ROCHELLE ("City") and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC ("Defendants") as follows:

1. The time for Defendants to answer or otherwise move in connection with the City's Verified Complaint filed in the above-referenced action on April 1, 2016 is hereby further extended to July 25, 2016.
2. This Stipulation to Extend Time ("Stipulation") may be executed via facsimile or electronic signature, which shall be taken as original signatures.
3. This Stipulation may be filed with the Clerk of the Court without further notice.

Dated: June 23, 2016

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLP

By: 

Peter A. Meisels, Esq.

Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 

Katherine Zalantis, Esq.

Attorneys for Defendants
220 White Plains Road
Tarrytown, New York 10591
(914) 682-0707

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

**STIPULATION
TO EXTEND TIME**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

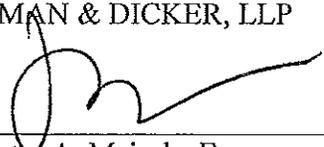
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiff CITY OF NEW ROCHELLE ("City") and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC ("Defendants") as follows:

1. The time for Defendants to answer or otherwise move in connection with the City's Verified Complaint filed in the above-referenced action on April 1, 2016 is hereby further extended to August 25, 2016.
2. This Stipulation to Extend Time ("Stipulation") may be executed via facsimile or electronic signature, which shall be taken as original signatures.
3. This Stipulation may be filed with the Clerk of the Court without further notice.

Dated: July 20, 2016

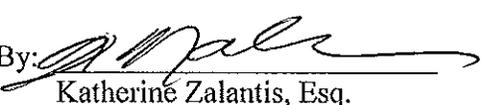
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLP

By: 

Peter A. Meisels, Esq.

Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 

Katherine Zalantis, Esq.

Attorneys for Defendants
220 White Plains Road
Tarrytown, New York 10591
(914) 682-0707

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

**STIPULATION
TO EXTEND TIME**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiff CITY OF NEW ROCHELLE ("City") and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC ("Defendants") as follows:

1. The time for Defendants to answer or otherwise move in connection with the City's Verified Complaint filed in the above-referenced action on April 1, 2016 is hereby further extended to ~~September 23~~, 2016.

*PAM
KE*

2. This Stipulation to Extend Time ("Stipulation") may be executed via facsimile or electronic signature, which shall be taken as original signatures.

3. This Stipulation may be filed with the Clerk of the Court without further notice.

Dated: September 9, 2016

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLP

By: 
Peter A. Meisels, Esq.
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 
Katherine Zalantis, Esq.
Attorneys for Defendants
220 White Plains Road
Tarrytown, New York 10591
(914) 682-0707

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

**STIPULATION
TO EXTEND TIME**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiff CITY OF NEW ROCHELLE ("City") and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC ("Defendants") as follows:

1. The time for Defendants to answer or otherwise move in connection with the City's Verified Complaint filed in the above-referenced action on April 1, 2016 is hereby further extended to December 23, 2016.
2. This Stipulation to Extend Time ("Stipulation") may be executed via facsimile or electronic signature, which shall be taken as original signatures.
3. This Stipulation may be filed with the Clerk of the Court without further notice.

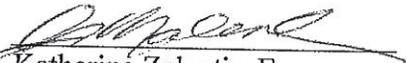
Dated: December 1, 2016

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLP

By: 

Peter A. Meisels, Esq.
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 

Katherine Zalantis, Esq.
Attorneys for Defendants
220 White Plains Road
Tarrytown, New York 10591
(914) 682-0707

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X Index No. 54190/2016
CITY OF NEW ROCHELLE,

Plaintiff,

-against-

**NOTICE OF CHANGE OF
ADDRESS**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.

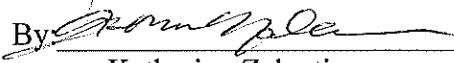
-----X
PLEASE TAKE NOTICE that as of February 28, 2017, the street address of the undersigned firm has changed as follows. The phone and fax numbers and email addresses remain the same.

OLD ADDRESS: Silverberg Zalantis LLP
Talleyrand Office Park
220 White Plains Road, Fifth Floor
Tarrytown, New York 10591

NEW ADDRESS: Silverberg Zalantis LLP
120 White Plains Road, Suite 305
Tarrytown, New York 10591

Dated: Tarrytown, New York
March 20, 2017

SILVERBERG ZALANTIS LLP

By: 
Katherine Zalantis
120 White Plains Road, Suite 305
Tarrytown, New York 10591
T (914) 682-0707
F (914) 682-0708

TO: All attorneys of record via NYSCEF (or U.S. Mail if not an e-filing case)
All pro se parties and parties not yet appeared via U.S. Mail

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

**STIPULATION
TO EXTEND TIME**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiff CITY OF NEW ROCHELLE ("City") and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC ("Defendants") as follows:

1. The time for Defendants to answer or otherwise move in connection with the City's Verified Complaint filed in the above-referenced action on April 1, 2016 is hereby further extended to ~~June 30, 2017~~. *July 31, 2017*

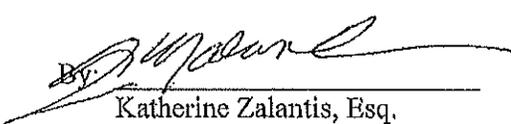
2. This Stipulation to Extend Time ("Stipulation") may be executed via facsimile or electronic signature, which shall be taken as original signatures.

3. This Stipulation may be filed with the Clerk of the Court without further notice.
July 19
Dated: ~~May 24~~, 2017

WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLP

By: 
Peter A. Meisels, Esq.
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 
Katherine Zalantis, Esq.
Attorneys for Defendants
220 White Plains Road
Tarrytown, New York 10591
(914) 682-0707

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

**STIPULATION
TO EXTEND TIME**

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiff CITY OF NEW ROCHELLE ("City") and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC ("Defendants") as follows:

1. The time for Defendants to answer or otherwise move in connection with the City's Verified Complaint filed in the above-referenced action is hereby further extended to ~~August 31, 2018.~~ *September 30, 2018*
2. This Stipulation to Extend Time ("Stipulation") may be executed via facsimile or electronic signature, which shall be taken as original signatures.
3. This Stipulation may be filed with the Clerk of the Court without further notice.

Dated: July 10, 2018

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLP

By: 

Peter A. Meisels, Esq.
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 

Katherine Zalantis, Esq.
Attorneys for Defendants
220 White Plains Road
Tarrytown, New York 10591
(914) 682-0707

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

-against-

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----x

STIPULATION OF SUBSTITUTION OF COUNSEL

IT IS HEREBY STIPULATED AND AGREED that Silverberg Zalantis LLC, 120 White Plains Road, Suite 305, Tarrytown, NY 10591 hereby appears as counsel for the Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. A.K.A. F. LAROCCA & SONS, INC. AND FMLR REALTY MANAGEMENT LLC, in the above captioned action, in substitution, place and stead of Silverberg Zalantis LLP, 120 White Plains Road, Suite 305, Tarrytown, NY 10591.

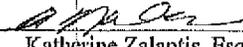
This stipulation may be executed in counterparts and by electronic and facsimile signatures which shall be considered originals for purposes of this stipulation.

Dated: February 13, 2019
Tarrytown, New York

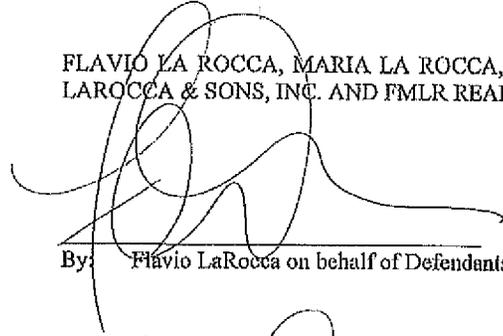
SILVERBERG ZALANTIS LLP

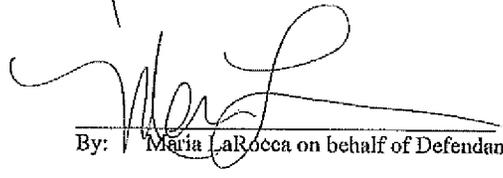
SILVERBERG ZALANTIS LLC

By: 
Katherine Zalantis, Esq.
120 White Plains Road
Suite 305
White Plains, NY 10591
(914) 682-0707
(914) 682-0708 Facsimile
Substituted Attorneys

By: 
Katherine Zalantis, Esq.
120 White Plains Road
Suite 305
White Plains, NY 10591
(914) 682-0707
(914) 682-0708 Facsimile
Incoming Attorneys

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. A.K.A. F. LARocca & SONS, INC. AND FMLR REALTY MANAGEMENT LLC


By: Flavio LaRocca on behalf of Defendants


By: Maria LaRocca on behalf of Defendants

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

----- X
CITY OF NEW ROCHELLE

Index No. 54190/2016

Plaintiff,

- against -

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a. F. LARocca & SONS, INC.
and FMLR REALTY MANAGEMENT LLC.,

**REQUEST FOR
PRELIMINARY
CONFERENCE**

Defendants.
----- X

The undersigned hereby requests a preliminary conference.

The name, address and telephone numbers of all attorneys appearing in the
action are as follows:

Wilson, Elser, Moskowitz, Edelman
& Dicker LLP
Peter A. Meisels, Esq.
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, NY 10604
(914) 872-7156

Silverberg Zalantis LLC
Katherin Zalantis, Esq.
Attorneys for Defendants
120 White Plains Road, Suite 305
Tarrytown, NY 10591
(914) 682-0101

Dated: White Plains, New York
May 17, 2019

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:



Peter A. Meisels, Esq.
Attorneys for Defendant
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

TO:
Silverberg Zalantis LLC
Attorneys for Defendants
120 White Plains Road, Suite 305
Tarrytown, NY 10591

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

Westchester Supreme COURT, COUNTY OF Westchester

Index No: 54190/2016

Date Index Issued: 04/01/2016

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

CITY OF NEW ROCHELLE

Plaintiff(s)/Petitioner(s)

For Court Clerk Use Only:

IAS Entry Date

Judge Assigned

RJI Date

-against-
FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC., FMLR REALTY MANAGEMENT LLC,

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING:

Check ONE box only and specify where indicated.

<p>MATRIMONIAL</p> <p><input type="checkbox"/> Contested</p> <p>NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum. For Uncontested Matrimonial actions, use RJI form UD-13.</p> <hr/> <p>TORTS</p> <p><input type="checkbox"/> Asbestos</p> <p><input type="checkbox"/> Breast Implant</p> <p><input type="checkbox"/> Environmental:</p> <p><input type="checkbox"/> Medical, Dental, or Podiatric Malpractice</p> <p><input type="checkbox"/> Motor Vehicle</p> <p><input type="checkbox"/> Products Liability:</p> <p><input type="checkbox"/> Other Negligence:</p> <p><input type="checkbox"/> Other Professional Malpractice:</p> <p><input checked="" type="checkbox"/> Other Tort: trespass, nuisance</p> <hr/> <p>OTHER MATTERS</p> <p><input type="checkbox"/> Certificate of Incorporation/Dissolution [see NOTE under Commercial]</p> <p><input type="checkbox"/> Emergency Medical Treatment</p> <p><input type="checkbox"/> Habeas Corpus</p> <p><input type="checkbox"/> Local Court Appeal</p> <p><input type="checkbox"/> Mechanic's Lien</p> <p><input type="checkbox"/> Name Change</p> <p><input type="checkbox"/> Pistol Permit Revocation Hearing</p> <p><input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property</p> <p><input type="checkbox"/> Other:</p>	<p>COMMERCIAL</p> <p><input type="checkbox"/> Business Entity (including corporations, partnerships, LLCs, etc.)</p> <p><input type="checkbox"/> Contract</p> <p><input type="checkbox"/> Insurance (where insurer is a party, except arbitration)</p> <p><input type="checkbox"/> UCC (including sales, negotiable instruments)</p> <p><input type="checkbox"/> Other Commercial:</p> <p>NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(D)], complete and attach the COMMERCIAL DIV RJI Addendum.</p> <hr/> <p>REAL PROPERTY: How many properties does the application include?</p> <p><input type="checkbox"/> Condemnation</p> <p><input type="checkbox"/> Mortgage Foreclosure: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial</p> <p>Property Address:</p> <p>NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.</p> <p><input type="checkbox"/> Tax Certiorari - Section: Block: Lot:</p> <p><input type="checkbox"/> Tax Foreclosure</p> <p><input type="checkbox"/> Other Real Property:</p> <hr/> <p>SPECIAL PROCEEDINGS</p> <p><input type="checkbox"/> CPLR Article 75 (Arbitration) [see NOTE under Commercial]</p> <p><input type="checkbox"/> CPLR Article 78 (Body or Officer)</p> <p><input type="checkbox"/> Election Law</p> <p><input type="checkbox"/> MHL Article 9.60 (Kendra's Law)</p> <p><input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Initial)</p> <p><input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Review)</p> <p><input type="checkbox"/> MHL Article 81 (Guardianship)</p> <p><input type="checkbox"/> Other Mental Hygiene:</p> <p><input type="checkbox"/> Other Special Proceeding:</p>
---	--

STATUS OF ACTION OR PROCEEDING:

Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date filed: 04/01/2016
Has a summons and complaint or summons w/notice been served?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date served: 04/01/2016
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If yes, judgment date:

NATURE OF JUDICIAL INTERVENTION:

Check ONE box only AND enter additional information where indicated.

RECEIVED NYSCEF: 05/17/2019

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice
- Notice of Motion
- Notice of Petition
- Order to Show Cause
- Other Ex Parte Application
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other:

Date Issue Joined:

Relief Sought:
Relief Sought:
Relief Sought:
Relief Sought:

Return Date:
Return Date:
Return Date:

RELATED CASES:

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES:

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the **RJI Addendum**.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g., defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.		
<input type="checkbox"/>	Name: CITY OF NEW ROCHELLE Role(s): Plaintiff/Petitioner	PETER MEISELS, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, 1133 WESTCHESTER AVE , WHITE PLAINS, NY 10604, peter.meisels@wilsonelser.com	YES	
<input type="checkbox"/>	Name: LA ROCCA, FLAVIO Role(s): Defendant/Respondent	KATHERINE ZALANTIS, SILVERBERG ZALANTIS LLC, 120 White Plains Road Suite 305, Tarrytown, NY 10591, 914-682-0707, zalantis@szlawfirm.net	YES	
<input type="checkbox"/>	Name: LA ROCCA, MARIA Role(s): Defendant/Respondent	KATHERINE ZALANTIS, SILVERBERG ZALANTIS LLC, 120 White Plains Road Suite 305, Tarrytown, NY 10591, 914-682-0707, zalantis@szlawfirm.net	YES	
<input type="checkbox"/>	Name: FLAVIO LA ROCCA & SONS, INC. Role(s): Defendant/Respondent	KATHERINE ZALANTIS, SILVERBERG ZALANTIS LLC, 120 White Plains Road Suite 305, Tarrytown, NY 10591, 914-682-0707, zalantis@szlawfirm.net	YES	
<input type="checkbox"/>	Name: FMLR REALTY MANAGEMENT LLC, Role(s): Defendant/Respondent	KATHERINE ZALANTIS, SILVERBERG ZALANTIS LLC, 120 White Plains Road Suite 305, Tarrytown, NY 10591, 914-682-0707, zalantis@szlawfirm.net	YES	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 05/17/2019

PETER ALEXANDER MEISELS
SIGNATURE

1425230

ATTORNEY REGISTRATION NUMBER

PETER ALEXANDER MEISELS
PRINT OR TYPE NAME

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
JUDGE PC PART, _ PC PART**



CITY OF NEW ROCHELLE

- v. -

FLAVIO LA ROCCA et al

Index No. 54190/2016

COURT NOTICE

Filing on Behalf of - Preliminary Conference Part

The counsel for plaintiff is required to notify all other parties of this conference within two (2) days of receipt of this notice. Proof of such notice shall be brought to the conference.

Please be advised that the above captioned matter has been set down for a preliminary conference on JUNE 5, 2019 at 9:30 a.m., in the Preliminary Conference Part on the 8th floor (check in - Room 811) of the Westchester County Courthouse. Please refer to the Rules of the Preliminary Conference Part and be guided accordingly.

This preliminary conference may be adjourned once by written request of all parties submitted at least two (2) days prior to the preliminary conference. Requests for adjournments may be made to the Preliminary Conference Part by mail (directed to the attention of the Preliminary Conference Part), facsimile to (914)995-2194, or e-mail to PreliminaryConferenceWestchester@nycourts.gov and shall include two (2) proposed alternative dates for rescheduling the preliminary conference, which dates shall be no later than one month following the scheduled preliminary conference.

Where all parties can agree upon a discovery schedule, you may submit a preliminary conference stipulation to the Preliminary Conference Part to be so ordered. In the event that the preliminary conference stipulation is submitted at least three (3) business days prior to the scheduled preliminary conference date and is determined to be acceptable, no appearance at the preliminary conference will be required.

The preliminary conference stipulation form is available in the Preliminary Conference Part and online on the website of the Ninth Judicial District at www.nycourts.gov/courts/9jd/diffcasemgmt.shtml. Parties may submit same to the Preliminary Conference Part by mail (directed to the attention of the Preliminary Conference Part), facsimile to (914) 995-2194, or e-mail to

COURT NOTICE

Filing on Behalf of - Preliminary Conference Part

(fully executed, scanned, pdf format copies only).

The preliminary conference stipulation submitted must be signed by all parties who have appeared in the action and must strictly comply with 22 NYCRR §202.19 and provide that all disclosure be completed within 8, 12 or 15 months in expedited, standard and complex cases, respectively as set forth in 22 NYCRR §202.19. If the preliminary conference stipulation is not submitted, or is not submitted in a timely basis to allow proper review, the preliminary conference shall take place as scheduled.

Dora Hancock
Principal Court Analyst
Preliminary Conference Part

DATED 05/22/2019

FILED By Dora N Hancock

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

CITY OF NEW ROCHELLE,

Plaintiffs,

Index No. 54190/2016

-against-

ORDER OF REFERENCE
GENERAL CIVIL
MEDIATION PROGRAM

LA ROCCA, FLAVIO,

Defendants.

-----X

1. On consent of the parties the following ISSUES are hereby referred to the ADR Program for General Civil Cases (“General Civil Mediation Program” or “Program”) and shall be conducted in accordance with the Program’s Statement of Procedures:

The mediation session will pursue, with the mediator’s oversight and guidance, a potential settlement.

2. Within (5) business days of receipt of this Order, the parties shall designate a Mediator from the Court’s Roster of Neutrals by completing a Mediation Initiation Form and forwarding same together with a copy of this Order of Reference to the Mediator selected and to the Program Coordinator at GeneralCivilMediation@nycourts.gov.
3. The parties shall initiate a conference call with the Mediator to confirm the Mediator’s acceptance of this case, select a meeting date for the initial session and make arrangements for any submissions to be forwarded to the Mediator.
4. The initial session must be held within thirty (30) days of the date the Mediator confirms acceptance of the case and the Mediation shall be completed within forty-five (45) days of that date.
5. The parties shall notify the Program Coordinator of the date of the Mediator accepted this case and the date scheduled for the initial session.
6. Please indicate whether there are in this case:

Motions *sub judice*: Yes ___ No X Appeals: Yes ___ No X Order(s) of Protection Yes ___ No X

7. By signing below, the parties and/or their counsel, agree that they shall comply with the Rules for the General Civil Mediation program, including those provisions regarding confidentiality and immunity. Parties and/or their counsel further understand and agree that no attorney-client relationship exists between the Mediator and the parties, and that the Mediator may not provide legal advice to the parties.

8. The attorneys for the parties herein are as follows:

For Plaintiff: Peter A. Meisels
Address: Wilson Elser
Phone: 1133 Westchester Ave
email: White Plains, NY
914-872-7156
Peter.Meisels@wilsonelser.com

For Defendants: Sarah Cafran
Address: 120 White Plains Rd, St. 305
Tarrytown, NY 10591
Phone: 914-682-0707
email: cafran@szlawfirm.net

[Signature]
Signature of counsel for Plaintiff

[Signature]
Signature of counsel for Defendants

SO ORDERED:

Dated: White Plains, New York
June 5, 2019

Lisa Citarella
Court-Attorney Referee

If the parties submit this form 3 business days prior to the scheduled preliminary conference date, completed and executed by all parties, and the Court finds no problems, counsel need not appear. This form may be uploaded to the NYSCEF file in NYSCEF matters, or in other matters where NYSCEF is not available or a party has opted out of NYSCEF, it may be sent by mail, facsimile to (914)995-2194 or by email to PreliminaryConferenceWestchester@nycourts.gov. Pursuant to 22 NYCRR §202.19, all disclosure must be completed within 8, 12 or 15 months in expedited, standard and complex cases, respectively.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
PRELIMINARY CONFERENCE PART

-----x

City of New Rochelle

Plaintiff(s)

PRELIMINARY
CONFERENCE
STIPULATION

-against-
FLAVIO DA ROCCA, MARCIA DA ROCCA,
FLAVIO DA ROCCA + Sons, Inc d/b/a
F. DA ROCCA + Sons, Inc And
Defendant(s)

Index No.: 54190/2016

Date BJI Filed:

5/17/19

FMLR Realty Management LLC

It is hereby STIPULATED by and between all parties to the within action that disclosure shall proceed and be completed as follows:

(1) Nature of Case:

- a. DCM track:
 - Standard (12 Mos.)
 - Complex (15 mos.)
 - Expedited (8 mos.)

b. Plaintiff(s) Claims: TRESPASS, NEGLIGENCE, NUISANCE,
CONVERSION RPAPL § 861, NUISANCE/ENCROACHMENT

c. Defendant(s) Claims and Defenses:

laches, public street, SOL, fail to state claim

on a public street

(2) Insurance Coverage:

If not yet provided, Defendants shall disclose in writing the existence and contents of any insurance agreement as described in CPLR §3101(f) on or before 6/21/19.
N/A Previously provided

(3) Bill of Particulars:

a. A Demand for a Bill of Particulars shall be served by 7/12/19 7/12/19 all parties on or before 7/12/19.
b. A Bill of Particulars shall be served by 8/12/19 8/12 all parties on or before 8/12/19.
c. A Supplemental Bill of Particulars shall be served by _____ as to items _____ on or before _____.

(4) Medical Records and authorizations: W/A

On or before _____, duly executed written authorizations shall be furnished by _____ for the following:
____ Physician, and/or hospital, and/or autopsy records;
____ Employment records for the period _____;
____ No-fault file;
____ Other (specify) _____

(5) Physical Examinations: W/A

a. Examination of _____ shall be held on or before _____.
b. Pursuant to 22 NYCRR §202.17(b), at least 20 days before such examination, _____ shall serve upon all other parties copies of the medical reports of those physicians who have previously treated or examined him/her.
c. A copy of the examining physician's report shall be furnished to all parties on _____ by _____ or within _____ days of the examination.

(6) Depositions:

a. Examinations before trial shall be conducted as follows (priority shall be in accordance with CPLR §3106 unless otherwise agreed or ordered):
Plaintiff(s) shall appear for examination before trial at 10:15 8/15/19 on 8/15/19, at _____ a.m./p.m. and shall produce all relevant books, papers, records, and other

Wilson Elser

material for use at the deposition, including MATERIAL Responsive to the City is discovery demands not previously produced
Defendant(s) shall appear for examination before trial at 5/29/19

~~or~~ at Wilson Elson, at _____ a.m./p.m. and shall produce all relevant books, papers, records, and other material for use at the deposition, including material not already produced in response to IT'S demands.

b. Attorneys seeking rulings on objections or making application for any other relief pertaining to the depositions shall communicate with the Preliminary Conference Part by email or telephone conference call for a determination and shall make no motion in the absence of a conference with the Court and a good faith effort to resolve the matter without unnecessary motion practice.

c. Once begun, a deposition shall continue until completed and shall not be adjourned without further order of the Court, unless all parties agree that the adjournment of such deposition does not delay or otherwise impede any party's ability to perform or enforce any of the terms of this Stipulation.

d. The transcript of an examination before trial shall be delivered to the party deposed within forty-five (45) days of the deposition, and shall be returned, duly executed thereafter pursuant to CPLR 3116 (a).

e. Depositions of all parties shall be completed on or before 10/18/19.

f. Depositions of all non-party witnesses shall be completed on or before 10/15/19.

(7) Other Disclosure:

a. On or before 7/12/19, all parties shall exchange names and addresses of all witnesses, and shall exchange statements of opposing parties and photographs, or if none, shall so state in writing.

b. All parties shall exchange information relating to expert witnesses in compliance with CPLR §3101 and the governing case law.

c. Demands for Discovery and Inspection (CPLR §3120) shall be served on or before 7/12/19.

d. All responses to Discovery and Inspection demands shall be served no later than 30 days after receipt of the opposing party's demands.

e. Objections to disclosure, inspection or examination shall be made in conformity with the provisions of CPLR §3122.

f. Supplemental Demands for Discovery and Inspection may be served with respect to items as to which the demanding party could not reasonably have demanded in such party's prior Demand(s) for Discovery and Inspection, provided such Supplemental Demands are served at least twenty (20) days (or if service is by mail twenty-five [25] days) prior to the expiration of the time herein set forth for the completion of disclosure. Responses to such Supplemental Demands shall be served within the time provided by CPLR §3120, except that objections to Supplemental Demands shall be interposed sufficiently in advance of the time hereinafter set forth for the completion of disclosure so as to permit the demanding party a reasonable time to seek, and obtain a conference with the Court with respect to such objections and to request an extension of the time to complete disclosure.

g. All demands for production of books, documents, records and other writings relevant to the issues in this case shall be deemed to include a demand for production of any photograph, audiotape, videotape, computer disk or program and e-mail.

h. All Interrogatories shall be served on or before 7/12/19. Responses shall be served in conformity with CPLR §3133.

(8) Additional Disclosure issues:

With respect to additional disclosure issues, the parties shall comply with the following agreement: Parties will meet and confer prior to making additional demands

(9) Impleaders:

All third-party actions shall be commenced on or before 9/30/19. Joinder of a third-party action beyond this date without leave of Court may result in a severance.

(10) Confidentiality/Non-Disclosure Agreement:

a. In the event that there is a need for a Confidentiality/Non-Disclosure Agreement prior to disclosure, the part(y) demanding same shall prepare and circulate the proposed agreement. If the parties cannot agree as to same, they shall promptly notify the Court. The failure to promptly seek a confidentiality agreement may result in a waiver of same (22 NYCRR §216.1). Any Confidentiality/Non-Disclosure Agreement will be "so ordered" or entered as an Order of the Court only upon compliance with 22 N.Y.C.R.R. §216.1.

b. _____ anticipates the need for a Confidentiality Agreement and will prepare and circulate same on or before _____ as to the following issues: _____.

[To be filled in by Court]
COMPLETION OF DISCLOSURE:
ALL DISCLOSURE SHALL BE COMPLETED ON OR BEFORE 5/16/2020
Compliance Conference: Counsel for all parties shall appear at a compliance conference which shall be held in the Compliance Part on 10/25/19.

Pursuant to 22 NYCRR §202.28, the attorney for defendant is directed to file a stipulation or statement of discontinuance with the Court within (a) 30 days of the making of the payment required as a condition of the discontinuance; or (b) 30 days of the discontinuance in the event no payment is required as a condition of the discontinuance.

The failure of any party to perform any of the requirements contained in this Stipulation shall not excuse any other party from performing any other requirement contained herein. Failure to comply with any provision of this Stipulation may result in the imposition of costs, or sanctions, or other action authorized by law, including but not limited to contempt, dismissal and the striking of pleadings.

No adjournments of any time directive above shall be permitted without the permission of the Court. **This stipulation supercedes the statutory stay in CPLR §3214 for dispositive motions made pursuant to CPLR §§3211, 3212, or 3213.**

The contents and provisions of the foregoing proposed stipulation are agreed to, and the parties request that the Court order same.

Dated: 6/5/19

Attorneys for Plaintiff:
(Print Name) Peter A. Meisels
(Signature) [Signature]

Mailing Address:
Wilson Elser
1133 Westchester Ave
White Plains 10604

Phone/Facsimile Number:
914-872-7156

E-mail Address:
Peter.Meisels@wilsonelselaw.com

Attorneys for Defendants
(Print Name) Sarah Cafran
(Signature) [Signature]

Mailing Address:
120 White Plains Rd, Suite 305
Tarrytown, NY 10591

Phone/Facsimile Number:
914-682-0707

E-mail Address:
cafran@szlawfirm.net

Attorneys for/or pro se party:
(Print Name) _____
(Signature) _____
Mailing Address: _____

Phone/Facsimile Number: _____

E-mail Address: _____

Attorneys for/or pro se party:
(Print Name) _____
(Signature) _____
Mailing Address: _____

Phone/Facsimile Number: _____

E-mail Address: _____

SO ORDERED:
[Signature]
Hon. Joan B. Lefkowitz, J.S.C.

[Signature]



Scott Mendelsohn, Esq.
Direct dial: (914) 872-7385
Scott.Mendelsohn@wilsonelser.com

October 23, 2019

By NYSCEF and Electronic Mail (compliancewestchester@nycourts.gov)

Supreme Court of the State of New York, Westchester County
Compliance Part
111 Dr. Martin Luther King Blvd.
White Plains, New York 10601

Re: City of New Rochelle v. Flavio La Rocca, et al
Index No: 54190/2016

Dear Sir or Madam:

We represent the plaintiff, the City of New Rochelle, in the above-referenced matter. We write in conjunction with counsel for the defendants to request an adjournment of the compliance conference currently scheduled for October 28, 2019.

Our attorney handling this matter is undergoing surgery on October 24, 2019, and will be out of the office for an unknown amount of time. Furthermore, since the Preliminary Conference, the parties have appeared at mediation, conducted a joint site visit, and are deep in settlement discussions. We ask that the compliance conference be scheduled for either December 9th, 10th, or 11th. By that time, the attorney handling the matter will have returned to work and hopefully a settlement will be in place.

We appreciate the Court's consideration of this matter.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

/s/ Scott Mendelsohn

Cc (via email): Kathy Zalantis (Zalantis@szlawfirm.net)

1133 Westchester Avenue • White Plains, NY 10604 • p 914.323.7000 • f 914.323.7001

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

CITY OF NEW ROCHELLE,

Plaintiff(s),

-against-

LA ROCCA, FLAVIO,

Defendant(s).

-----X

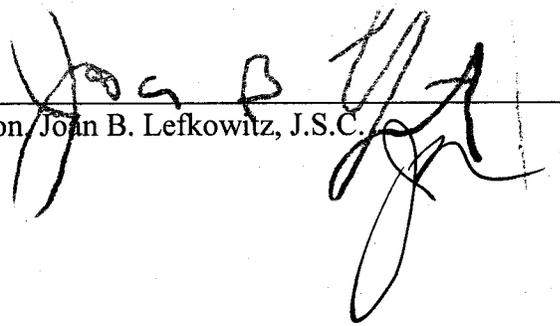
ORDER OF REFERENCE

**Index No.: 54190/2016
[NYSCEF case]**

IT IS HEREBY ORDERED that the following Court Attorney-Referee is appointed to hear and report on all discovery issues in this action:

Lisa Citarella

Dated: White Plains, New York
October 29, 2019



Hon. Joan B. Lefkowitz, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER - COMPLIANCE PART

-----X
CITY OF NEW ROCHELLE,

Plaintiff(s),

-against-

LA ROCCA, FLAVIO,

Defendant(s).

UPLOAD TO NYSCEF

COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER

Index No. 54190/2016

-----X
CITARELLA, C.A.R.

In accordance with CPLR 3104 and the DCM Rules of this Court, and pursuant to the Compliance Conference held before me on **October 28, 2019**, I recommend that the Court confirm the following Report:

For Plaintiff(s): Scott Mendelsohn, Esq.

For Defendants: Christie Addona, Esq.

IT IS DIRECTED that disclosure shall proceed and be completed as follows:

- (X) On or before 1/10/20, the parties shall serve responses to each other's outstanding demands for Discovery & Inspection.
- (X) Plaintiff's deposition shall be conducted and completed on 1/22/20.
- (X) Defendant's depositions shall be conducted and completed on 1/29/20.
- (X) The parties are advised that they have no authority to adjourn court-ordered depositions, nor do they have any authority to enlarge the deadline dates for the completion of depositions.
- (X) Any remaining discovery shall be discussed and scheduled at the next Compliance Conference.
- (X) Counsel for the parties are reminded that, pursuant to the DCM Protocol, settlement negotiations, agreements to enter into mediation and/or motion practice, do not stay discovery.
- (X) Counsel for the parties are cautioned that any failure to strictly adhere to the Court's discovery deadlines will result in a truncated time-frame to complete discovery, may be deemed to constitute a waiver of any outstanding discovery and will not delay the Court's issuance of a Trial Readiness Order at the expiration of Standards & Goals.

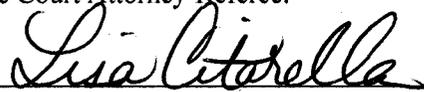
Failure to comply herewith shall be grounds to strike pleadings pursuant to CPLR 3126 or grant other relief pursuant to CPLR 3124. Any party failing to appear at this Compliance Conference shall be bound by the terms hereof, and disclosure demands not raised at the Compliance Conference are deemed waived.

The parties shall appear for a Compliance Conference in the Compliance Part, Room 800, at 9:30 a.m. on **January 30, 2020**. The foregoing constitutes the Report of the Court Attorney-Referee.

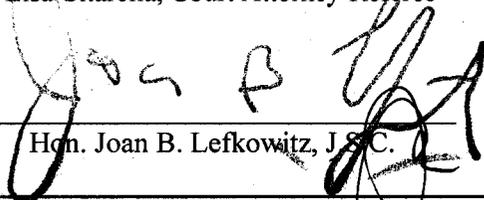
Dated: White Plains, New York
October 28, 2019

SO ORDERED.

Dated: White Plains, New York
October 29, 2019



Lisa Citarella, Court Attorney-Referee



Hon. Joan B. Lefkowitz, J.S.C.

Please direct inquiries regarding this matter to the Compliance Part at ComplianceWestchester@nycourts.gov, attention Lisa Citarella, on notice to all parties. Please do not contact Judge's chambers.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER - COMPLIANCE PART

-----X
CITY OF NEW ROCHELLE,

Plaintiff(s),

-against-

LA ROCCA, FLAVIO,

Defendant(s).

UPLOAD TO NYSCEF

COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER

Index No. 54190/2016

-----X
CITARELLA, C.A.R.

In accordance with CPLR 3104 and the DCM Rules of this Court, and pursuant to the Compliance Conference held before me on **January 14, 2020**, I recommend that the Court confirm the following Report:

For Plaintiff(s): Scott Mendelsohn, Esq.

For Defendants: Kathy Zalantis, Esq.

IT IS DIRECTED that disclosure shall proceed and be completed as follows:

- (X) On or before 2/3/20, the parties shall serve responses to each other's outstanding demands for Discovery & Inspection.
- (X) Plaintiff's deposition shall be conducted and completed on 2/19/20.
- (X) Defendant's depositions shall be conducted and completed on 2/28/20.
- (X) The parties are advised that they have no authority to adjourn court-ordered depositions, nor do they have any authority to enlarge the deadline dates for the completion of depositions.
- (X) Any remaining discovery shall be discussed and scheduled at the next Compliance Conference.
- (X) Counsel for the parties are reminded that, pursuant to the DCM Protocol, settlement negotiations, agreements to enter into mediation and/or motion practice, do not stay discovery.
- (X) Counsel for the parties are cautioned that any failure to strictly adhere to the Court's discovery deadlines will result in a truncated time-frame to complete discovery, may be deemed to constitute a waiver of any outstanding discovery and will not delay the Court's issuance of a Trial Readiness Order at the expiration of Standards & Goals.

Failure to comply herewith shall be grounds to strike pleadings pursuant to CPLR 3126 or grant other relief pursuant to CPLR 3124. Any party failing to appear at this Compliance Conference shall be bound by the terms hereof, and disclosure demands not raised at the Compliance Conference are deemed waived.

The parties shall appear for a Compliance Conference in the Compliance Part, Room 800, at 9:30 a.m. on **February 7, 2020**. The foregoing constitutes the Report of the Court Attorney-Referee.

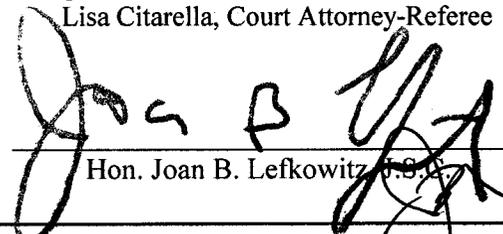
Dated: White Plains, New York
January 14, 2020



Lisa Citarella, Court Attorney-Referee

SO ORDERED.

Dated: White Plains, New York
January 15, 2020



Hon. Joan B. Lefkowitz, J.S.C.

Please direct inquiries regarding this matter to the Compliance Part at ComplianceWestchester@nycourts.gov, attention Lisa Citarella, on notice to all parties. Please do not contact Judge's chambers.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER - COMPLIANCE PART

-----X
CITY OF NEW ROCHELLE,

Plaintiff(s),

-against-

LA ROCCA, FLAVIO,

Defendant(s).

UPLOAD TO NYSCEF

COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER

Index No. 54190/2016

-----X
CITARELLA, C.A.R.

In accordance with CPLR 3104 and the DCM Rules of this Court, and pursuant to the Compliance Conference held before me on **February 7, 2020**, I recommend that the Court confirm the following Report:

For Plaintiff(s): Scott Mendelsohn, Esq.

For Defendants: Christie Adonna, Esq.

IT IS DIRECTED that disclosure shall proceed and be completed as follows:

- (X) The parties served their respective discovery responses.
- (X) Plaintiff's deposition shall be conducted and completed on 2/25/20 or 2/26/20.
- (X) Defendant's depositions shall be conducted and completed on or before 3/6/20.
- (X) The parties are advised that they have no authority to adjourn court-ordered depositions, nor do they have any authority to enlarge the deadline dates for the completion of depositions.
- (X) Any remaining discovery shall be discussed and scheduled at the next Compliance Conference.
- (X) Counsel for the parties are reminded that, pursuant to the DCM Protocol, settlement negotiations, agreements to enter into mediation and/or motion practice, do not stay discovery.
- (X) Counsel for the parties are cautioned that any failure to strictly adhere to the Court's discovery deadlines will result in a truncated time-frame to complete discovery, may be deemed to constitute a waiver of any outstanding discovery and will not delay the Court's issuance of a Trial Readiness Order at the expiration of Standards & Goals.

Failure to comply herewith shall be grounds to strike pleadings pursuant to CPLR 3126 or grant other relief pursuant to CPLR 3124. Any party failing to appear at this Compliance Conference shall be bound by the terms hereof, and disclosure demands not raised at the Compliance Conference are deemed waived.

The parties shall appear for a Compliance Conference in the Compliance Part, Room 800, at 9:30 a.m. on **March 9, 2020**. The foregoing constitutes the Report of the Court Attorney-Referee.

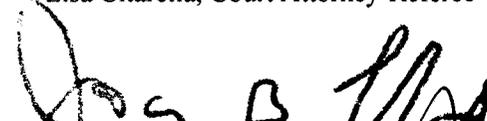
Dated: White Plains, New York
February 7, 2020



Lisa Citarella, Court Attorney-Referee

SO ORDERED.

Dated: White Plains, New York
February 10, 2020



Hon. Joan B. Lofkowitz, J.S.C.

Please direct inquiries regarding this matter to the Compliance Part at ComplianceWestchester@nycourts.gov, attention Lisa Citarella, on notice to all parties. Please do not contact Judge's chambers.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER - COMPLIANCE PART

CITY OF NEW ROCHELLE,
Plaintiff(s),

UPLOAD TO NYSCEF

-against-

COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER

LA ROCCA, FLAVIO,
Defendant(s).

Index No. 54190/2016

CITARELLA, C.A.R.

In accordance with CPLR 3104 and the DCM Rules of this Court, and pursuant to the Compliance Conference held before me on **March 9, 2020**, I recommend that the Court confirm the following Report:

For Plaintiff(s): Scott Mendelsohn, Esq.

For Defendants: Kathy Zalantis, Esq.

IT IS DIRECTED that disclosure shall proceed and be completed as follows:

- (X) Plaintiff's deposition has been completed. The deposition of defendant FLAVIO LA ROCCA has been completed.
- (X) The deposition of defendant MARIA LA ROCCA shall be conducted and completed on or before 3/31/20. The parties are advised that they have no authority to adjourn court-ordered depositions, nor do they have any authority to enlarge the deadline dates for the completion of depositions.
- (X) On or before 3/23/20 the parties shall serve any written post-deposition demands.
- (X) On or before 4/8/20, the parties shall serve responses to timely post-deposition demands.
- (X) As to non-party depositions, the parties are advised to timely and appropriately serve subpoenas. Any failure to subpoena and/or depose any non-parties in a timely and appropriate manner will not delay issuance of a Trial Readiness Order upon the expiration of Standards & Goals. Any subpoenas that need to be so-ordered because they involve records of a department or bureau of a municipal corporation shall be submitted to the Court in compliance with CPLR 2307.
- (X) Any remaining discovery shall be discussed and scheduled at the next Compliance Conference.
- (X) Counsel for the parties are reminded that, pursuant to the DCM Protocol, settlement negotiations, agreements to enter into mediation and/or motion practice, do not stay discovery & are cautioned that any failure to strictly adhere to the Court's discovery deadlines will result in a truncated time-frame to complete discovery, may be deemed to constitute a waiver of any outstanding discovery and will not delay the Court's issuance of a Trial Readiness Order at the expiration of Standards & Goals.

Failure to comply herewith shall be grounds to strike pleadings pursuant to CPLR 3126 or grant other relief pursuant to CPLR 3124. Any party failing to appear at this Compliance Conference shall be bound by the terms hereof, and disclosure demands not raised at the Compliance Conference are deemed waived.

The parties shall appear for a Compliance Conference in the Compliance Part, Room 800, at 9:30 a.m. on **April 14, 2020**. The foregoing constitutes the Report of the Court Attorney-Referee.

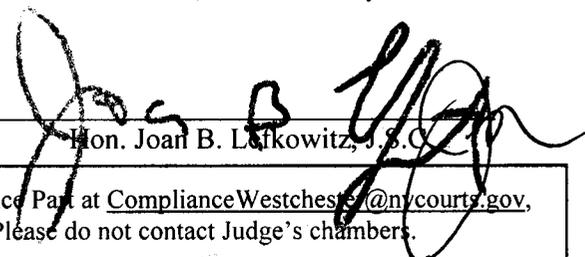
Dated: White Plains, New York
March 9, 2020



Lisa Citarella, Court Attorney-Referee

SO ORDERED.

Dated: White Plains, New York
March 10, 2020



Hon. Joan B. Laskowitz, J.S.C.

Please direct inquiries regarding this matter to the Compliance Part at ComplianceWestchester@nycourts.gov, attention Lisa Citarella, on notice to all parties. Please do not contact Judge's chambers.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER - COMPLIANCE PART

-----X
CITY OF NEW ROCHELLE,

Plaintiff(s),

-against-

LA ROCCA, FLAVIO,

Defendant(s).

**UPLOAD TO NYSCEF
COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER**

Index No. 54190/2016

-----X
CITARELLA, C.A.R.

In accordance with CPLR 3104 and the DCM Rules of this Court, and pursuant to the Compliance Conference held before me on **February 1, 2021**, I recommend that the Court confirm the following Report:

For Plaintiff(s): Scott Mendelsohn, Esq.

For Defendants: Kathy Zalantis, Esq.

IT IS DIRECTED that disclosure shall proceed and be completed as follows:

- (X) Plaintiff's deposition has been completed. The deposition of defendant FLAVIO LA ROCCA has been completed.
- (X) The deposition of defendant MARIA LA ROCCA shall be conducted and completed on or before 3/12/21. The parties are advised that they have no authority to adjourn court-ordered depositions, nor do they have any authority to enlarge the deadline dates for the completion of depositions.
- (X) On or before 2/16/21, defendants shall serve responses to plaintiff's post-deposition demands.
- (X) As to non-party depositions, the parties are advised to timely and appropriately serve subpoenas. Any failure to subpoena and/or depose any non-parties in a timely and appropriate manner will not delay issuance of a Trial Readiness Order upon the expiration of Standards & Goals. Any subpoenas that need to be so-ordered because they involve records of a department or bureau of a municipal corporation shall be submitted to the Court in compliance with CPLR 2307.
- (X) Any remaining discovery shall be discussed and scheduled at the next Compliance Conference.
- (X) Counsel for the parties are reminded that, pursuant to the DCM Protocol, settlement negotiations, agreements to enter into mediation and/or motion practice, do not stay discovery & are cautioned that any failure to strictly adhere to the Court's discovery deadlines will result in a truncated time-frame to complete discovery, may be deemed to constitute a waiver of any outstanding discovery and will not delay the Court's issuance of a Trial Readiness Order at the expiration of Standards & Goals.
- (X) **COVID-19 Directives:** Due to the COVID-19 health emergency, the parties are directed to use best efforts to proceed with this action in accordance with the Administrative Order(s) of the Chief Administrative Judge issued on March 19, 2020 and thereafter.

Failure to comply herewith shall be grounds to strike pleadings pursuant to CPLR 3126 or grant other relief pursuant to CPLR 3124. Any party failing to appear at this Compliance Conference shall be bound by the terms hereof, and disclosure demands not raised at the Compliance Conference are deemed waived.

The parties shall appear for a virtual Compliance Conference with the undersigned referee **at Noon on April 5, 2021 (Please be advised that this date and time are subject to change based upon the needs of the Court. The parties are directed to the date and time that appear on the TEAMS link.** The foregoing constitutes the Report of the Court Attorney-Referee.

Dated: White Plains, New York
February 1, 2021



Lisa Citarella, Court Attorney-Referee

SO ORDERED.

Dated: White Plains, New York
February _____, 2021

Hon. Joan B. Lefkowitz, J.S.C.

-----X
CITY OF NEW ROCHELLE,
Plaintiff(s),
-against-

UPLOAD TO NYSCEF
COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER

LA ROCCA, FLAVIO,
Defendant(s).
-----X

Index No. 54190/2016

CITARELLA, C.A.R.

In accordance with CPLR 3104 and the DCM Rules of this Court, and pursuant to the Compliance Conference held before me on April 5, 2021, I recommend that the Court confirm the following Report:

For Plaintiff(s): Scott Mendelsohn, Esq. & Peter Meisels, Esq.
For Defendants: Kathy Zalantis, Esq.

IT IS DIRECTED that disclosure shall proceed and be completed as follows:

- (X) Plaintiff's deposition has been completed. The deposition of defendants FLAVIO and MARIA LA ROCCA have been completed. On or before 4/23/21, defendants shall serve responses to plaintiff's post-deposition demands regarding MARIA dated 3/31/21.
- (X) On or before 4/12/21, defendants shall confirm whether (Sanchez & Galinda) are still employed by them. If they are not still employed, defendants shall provide plaintiff with their last known addresses. If still employed, defendants shall advise plaintiff whether counsel will accept service of notices for deposition for them and will appear for them at their depositions.
- (X) The depositions of witnesses Sanchez & Galinda shall be completed on or before 5/28/21.
- (X) As to non-party depositions, the parties are advised to timely and appropriately serve subpoenas. Any failure to subpoena and/or depose any non-parties in a timely and appropriate manner will not delay issuance of a Trial Readiness Order upon the expiration of Standards & Goals. Any subpoenas that need to be so-ordered because they involve records of a department or bureau of a municipal corporation shall be submitted to the Court in compliance with CPLR 2307.
- (X) Counsel for the parties are reminded that, pursuant to the DCM Protocol, settlement negotiations, agreements to enter into mediation and/or motion practice, do not stay discovery & are cautioned that any failure to strictly adhere to the Court's discovery deadlines may result in a truncated time-frame to complete discovery, may be deemed to constitute a waiver of any outstanding discovery and will not delay the Court's issuance of a Trial Readiness Order at the expiration of Standards & Goals.
- (X) **COVID-19 Directives:** Due to the COVID-19 health emergency, the parties are directed to use best efforts to proceed with this action in accordance with the Administrative Order(s) of the Chief Administrative Judge issued on March 19, 2020 and thereafter.

Failure to comply herewith shall be grounds to strike pleadings pursuant to CPLR 3126 or grant other relief pursuant to CPLR 3124. Any party failing to appear at this Compliance Conference shall be bound by the terms hereof, and disclosure demands not raised at the Compliance Conference are deemed waived.

The parties shall appear for a virtual Compliance Conference with the undersigned referee **at 3:00 p.m. on June 3, 2021 (Please be advised that this date and time are subject to change based upon the needs of the Court. The parties are directed to the date and time that appear on the TEAMS link.** The foregoing constitutes the Report of the Court Attorney-Referee.

Dated: White Plains, New York
April 5, 2021



Lisa Citarella, Court Attorney-Referee

SO ORDERED.

Dated: White Plains, New York
April _____, 2021

Hon. Joan B. Lefkowitz, J.S.C.

-----X

CITY OF NEW ROCHELLE,

Plaintiff(s),

-against-

**UPLOAD TO NYSCEF
COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER**

LA ROCCA, FLAVIO,

Defendant(s).

Index No. 54190/2016

-----X

CITARELLA, C.A.R.

In accordance with CPLR 3104 and the DCM Rules of this Court, and pursuant to the Compliance Conference held before me on June 3, 2021, I recommend that the Court confirm the following Report:

For Plaintiff(s): Roland Koke and Peter Meisels, Esq.
For Defendants: Kathy Zalantis, Esq.

IT IS DIRECTED that disclosure shall proceed and be completed as follows:

- (X) Plaintiff's deposition has been completed. The deposition of defendants FLAVIO and MARIA LA ROCCA have been completed. On or before 7/7/21, defendants shall serve responses to plaintiff's post-deposition demands dated 3/31/21 regarding the deposition of MARIA LA ROCCA.
- (X) The depositions of witnesses Sanchez & Galinda have been completed.
- (X) The parties advise the Court that they intend to conduct and complete any additional non-party depositions on or before 8/6/21.
- (X) As to non-party depositions, the parties are advised to timely and appropriately serve subpoenas. Any failure to subpoena and/or depose any non-parties in a timely and appropriate manner will not delay issuance of a Trial Readiness Order upon the expiration of Standards & Goals.
- (X) Counsel for the parties are reminded that, pursuant to the DCM Protocol, settlement negotiations, agreements to enter into mediation and/or motion practice, do not stay discovery & are cautioned that any failure to strictly adhere to the Court's discovery deadlines may result in a truncated time-frame to complete discovery, may be deemed to constitute a waiver of any outstanding discovery and will not delay the Court's issuance of a Trial Readiness Order at the expiration of Standards & Goals.
- (X) **COVID-19 Directives:** Due to the COVID-19 health emergency, the parties are directed to use best efforts to proceed with this action in accordance with the Administrative Order(s) of the Chief Administrative Judge issued on March 19, 2020 and thereafter.

Failure to comply herewith shall be grounds to strike pleadings pursuant to CPLR 3126 or grant other relief pursuant to CPLR 3124. Any party failing to appear at this Compliance Conference shall be bound by the terms hereof, and disclosure demands not raised at the Compliance Conference are deemed waived.

The parties shall appear for a virtual Compliance Conference with the undersigned referee **at Noon on August 10, 2021 (Please be advised that this date and time are subject to change based upon the needs of the Court. The parties are directed to the date and time that appear on the TEAMS link.** The foregoing constitutes the Report of the Court Attorney-Referee.

Dated: White Plains, New York
June 3, 2021



Lisa Citarella, Court Attorney-Referee

SO ORDERED.

Dated: White Plains, New York
June _____, 2021

Hon. Joan B. Lefkowitz, J.S.C.

Please direct inquiries regarding this matter to the Compliance Part at ComplianceWestchester@nycourts.gov, attention Lisa Citarella, on notice to all parties. Please do not contact Judge's chambers.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

----- X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

- against -

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC.,

Defendants.
----- X

NOTICE OF APPEARANCE

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
LLP has been retained and hereby appears in the above-captioned action as attorneys for Plaintiff
CITY OF NEW ROCHELLE demands that all papers served or required to be served in this case
be given and served upon the undersigned at the following office address and telephone number:

Wilson, Elser, Moskowitz, Edelman & Dicker LLP
1133 Westchester Avenue
White Plains, New York 10604
Attn: Roland T. Koke, Esq.
Tel: (914) 323-7000
Fax: (914) 323-7001
E-mail: Roland.Koke@wilsonelser.com

PLEASE TAKE FURTHER NOTICE that, the foregoing demand also includes, without
limitation, orders and notices of any application, motion, petition, pleading, request, complaint or
demand, whether formal or informal, whether written or oral and whether transmitted or
conveyed by mail, delivery, telephone, telegraph, telex, facsimile, e-mail or otherwise.

Dated: White Plains, New York
June 4, 2021

Wilson, Elser, Moskowitz, Edelman
& Dicker LLP

Roland T. Koke _____

Roland T. Koke, Esq.
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, NY 10604
(914) 872-7385
Our File No.: 7367.101

TO: Silverberg Zalantis LLC
Katherine Zalantis, Esq.
Attorneys for Defendants
120 White Plains Road, Suite 305
Tarrytown, NY 10591
(914) 682-0101

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
JUDGE GIACOMO, WILLIAM J**



Index No. 54190/2016

CITY OF NEW ROCHELLE**- v. -****FLAVIO LA ROCCA et al****COURT NOTICE**

Please be advised that a Compliance Conference has been scheduled in the above-named case. The Compliance Conference will be held virtually via MICROSOFT TEAMS on:

Thursday January 13, 2022 @ 9:30am with Court Atty. Lisa M. Citarella, Esq.

A MICROSOFT TEAMS link will be sent separately prior to the Court date.

Appearances at the Compliance Conference are mandatory. Attorneys must be fully familiar with the case and the status of discovery and be authorized to engage in settlement discussions and enter into binding stipulations on behalf of their client. Failure to appear at the Compliance Conference may result in dismissal, the entry of a default, imposition of sanctions or other appropriate judicial action.

You must have the all previous orders in the case, including the Preliminary Conference Order, and all available documentary evidence relating to liability and damages.

At the Compliance Conference, inquiry will be made regarding the following items of discovery as applicable: bills of particular; authorizations; medical reports; discovery and inspection; document production; insurance information; EBTs; physical examinations; interrogatories; and compliance with prior discovery orders of the Court.

DATED 12/20/2021

FILED By Anissa Robinson

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Plaintiff(s),

-against-

LA ROCCA, FLAVIO,

Defendant(s).

**UPLOAD TO NYSCEF
COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER**

Index No. 54190/2016

-----X
CITARELLA, C.A.R.

In accordance with CPLR 3104 and pursuant to the Compliance Conference held on January 27, 2022, I recommend that the Court confirm the following Report:

For Plaintiff(s): Eliza Scheibel, Esq.
For Defendants: Kathy Zalantis, Esq.

IT IS DIRECTED that disclosure shall proceed and be completed as follows:

- (X) On or before 2/28/22, plaintiff shall order, obtain and serve an updated title report. Plaintiff's counsel has been afforded a final opportunity to order, obtain and serve this report. Failure to comply with this deadline will not delay a Trial Readiness Order as Standards & Goals expired on May 17, 2020.
- (X) All other discovery herein has otherwise been completed or deemed waived.
- (X) As to non-party depositions, the parties are advised to timely and appropriately serve subpoenas. Any failure to subpoena and/or depose any non-parties in a timely and appropriate manner will not delay issuance of a Trial Readiness Order upon the expiration of Standards & Goals.
- (X) **COVID-19 Directives:** Due to the COVID-19 health emergency, the parties are directed to use best efforts to proceed with this action in accordance with the Administrative Order(s) of the Chief Administrative Judge issued on March 19, 2020 and thereafter.

Failure to comply herewith shall be grounds to strike pleadings pursuant to CPLR 3126 or grant other relief pursuant to CPLR 3124. Any party failing to appear at this Compliance Conference shall be bound by the terms hereof, and disclosure demands not raised at the Compliance Conference are deemed waived.

The parties shall appear for a virtual Compliance Conference with the undersigned referee **at 11:00 a.m. on March 11, 2021 FINAL TO CERTIFY (Please be advised that this date and time are subject to change based upon the needs of the Court. The parties are directed to the date and time that appear on the TEAMS link.**

The foregoing constitutes the Report of the Court Attorney-Referee.

Dated: White Plains, New York
January 27, 2022



Lisa Citarella, Court Attorney-Referee

SO ORDERED.

Dated: White Plains, New York
January 27, 2022



Hon. William J. Giacomo, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

[NYSCEF case]

Plaintiff (s),
-against-

TRIAL READINESS
REFEREE
REPORT & ORDER
Index No. 54190/2016

LA ROCCA, FLAVIO,

Defendant (s).
-----X

Counsel for the parties having appeared for a virtual Compliance Conference on March 11, 2022 with the undersigned referee, Court Attorney-Referee Lisa Citarella submits this report and recommendation as follows:

It appears that all discovery has been completed or waived and the matter is ready for trial in the above referenced action;

(1) NOTE OF ISSUE: Plaintiff shall serve and file a Note of Issue and Certificate of Readiness via NYSCEF within twenty (20) days of entry of this Trial Readiness Order; and

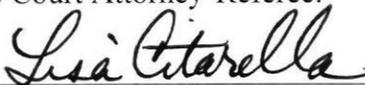
(2) NOTE OF ISSUE IF PARTY HAS OPTED OUT OF NYSCEF: Plaintiff shall also serve a copy of the Note of Issue and Certificate of Readiness within twenty (20) days of entry of this Trial Readiness Order upon any party who has opted out of NYSCEF, and shall file proof of service thereof via NYSCEF; and

(3) SUMMARY JUDGMENT MOTIONS: Any motion(s) or cross-motion(s) for summary judgment by any party must be served via NYSCEF **within 60 days** following the filing of the Note of Issue; opposition papers must be served via NYSCEF within 30 days of service of motion papers; and reply papers, if any, must be served via NYSCEF within 10 days following service of any opposition papers.

(4) SUMMARY JUDGMENT MOTIONS IF PARTY HAS OPTED OUT OF NYSCEF: If a party has opted out of NYSCEF, a copy of any motion(s) or cross-motion(s) for summary judgment, opposition papers, reply papers must be served upon that party by mail with the prescribed time periods and an affidavit of such service shall be uploaded to NYSCEF.

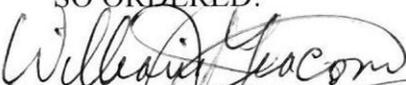
The foregoing constitutes the Report of the Court Attorney-Referee.

Dated: White Plains, New York
March 11, 2022



Lisa Citarella, Court Attorney-Referee

Dated: White Plains, New York
March // , 2022

SO ORDERED:


Hon. William J. Giacomo, J.S.C.

- SETTLEMENT CONFERENCE NOTICE -

Please be advised that the above-captioned matter has been assigned to the Hon. William J. Giacomo, J.S.C. and has been scheduled for a SETTLEMENT CONFERENCE.

The Settlement Conference will be held virtually via MICROSOFT TEAMS on:

Monday, June 27, 2022 @ 11:00 a.m.

A MICROSOFT TEAMS link will be sent separately prior to the Court date.

Appearance at the Settlement Conference is mandatory.

Attorneys attending the Settlement Conference must bring a copy of all documents relevant to the issues of liability and damages, be fully familiar with every aspect of the case, and be expressly authorized to engage in meaningful settlement negotiations.

Attorneys must have evaluated the case prior to the Settlement Conference date and be prepared to negotiate in good faith to effectuate a reasonable settlement.

YOU MUST KNOW THE AMOUNT OF ANY CLAIMS AGAINST THE PROPOSED SETTLEMENT PROCEEDS IN THIS MATTER PRIOR TO ALL CONFERENCES.

IN ADDITION, PLAINTIFF IS TO NOTIFY ALL PARTIES OF THE SETTLEMENT CONFERENCE DATE.

The settlement form information sheet must be submitted via NYSCEF 14 days prior to conference date.

Thank you.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

STIPULATION

-against-

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff CITY OF NEW ROCHELLE (“City” or “Plaintiff”) and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC (“Defendants”) as follows:

WHEREAS, on May 27, 2022, Defendants filed a motion for summary judgment pursuant to CPLR 3212 with a return date of July 12, 2022;

WHEREAS, on May 31, 2022, the City filed a motion pursuant to CPLR 3212 and CPLR 2025, seeking summary judgment and leave to amend its reply to Defendants’ answer, with a return date of July 18, 2022;

WHEREAS, Defendants’ motion for summary judgment has been assigned Motion #1 and the City’s motion for summary judgment has been assigned Motion #2;

WHEREAS, in accordance with the Court’s Civil Case Management Rules, the parties desire to enter into this Stipulation to consolidate the returns dates of the motions and set a briefing schedule;

NOW THEREFORE, the parties agree as follows:

1. The return date for both parties' motions shall be adjourned to August 29, 2022;
 2. Opposition to the pending motions shall be served and filed by July 22, 2022;
- and
3. Replies shall be served and filed by August 26, 2022.

Dated: June 13, 2022

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

SILVERBERG ZALANTIS LLC

By: 
Peter A. Meisels, Esq.
Eliza M. Scheibel
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

By: 
Katherine Zalantis, Esq.
Attorneys for Defendants
120 White Plains Road, Suite 305
Tarrytown, New York 10591
(914) 682-0707

SO ORDERED.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

STIPULATION

-against-

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff CITY OF NEW ROCHELLE (“City” or “Plaintiff”) and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC (“Defendants”) as follows:

WHEREAS, on May 27, 2022, Defendants filed a motion for summary judgment pursuant to CPLR 3212 with a return date of July 12, 2022;

WHEREAS, on May 31, 2022, the City filed a motion pursuant to CPLR 3212 and CPLR 2025, seeking summary judgment and leave to amend its reply to Defendants’ answer, with a return date of July 18, 2022;

WHEREAS, Defendants’ motion for summary judgment has been assigned Motion #1 and the City’s motion for summary judgment has been assigned Motion #2;

WHEREAS, the motions were previously adjourned by 30 days to August 11th, and August 17th, respectively;

WHEREAS, the parties served and filed their opposition to the opposing parties’ summary judgment motions on August 4, 2022;

WHEREAS, in accordance with the Court's Civil Case Management Rules, the parties desire to enter into this Stipulation to adjourn the return dates of the motions by 30 days;

NOW THEREFORE, the parties agree as follows:

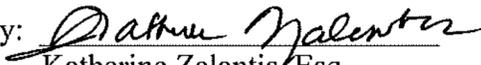
1. The return date for both Motion #1 and Motion #2 shall be adjourned to September 12, 2022; and
2. The parties shall file their reply papers on or before September 9, 2022.

Dated: August 9, 2022

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

By: 
Peter A. Meisels, Esq.
Eliza M. Scheibel
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

SILVERBERG ZALANTIS LLC

By: 
Katherine Zalantis, Esq.
Attorneys for Defendants
120 White Plains Road, Suite 305
Tarrytown, New York 10591
(914) 682-0707

SO ORDERED.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
CITY OF NEW ROCHELLE,

Index No. 54190/2016

Plaintiff,

STIPULATION

-against-

FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA
ROCCA & SONS, INC. a.k.a F. LAROCCA & SONS, INC.
and FMLR REALTY MANAGEMENT LLC,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff CITY OF NEW ROCHELLE (“City” or “Plaintiff”) and Defendants FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO LA ROCCA & SONS, INC. a.k.a. F. LAROCCA & SONS, INC. and FMLR REALTY MANAGEMENT LLC (“Defendants”) as follows:

WHEREAS, on May 27, 2022, Defendants filed a motion for summary judgment pursuant to CPLR 3212 with a return date of July 12, 2022;

WHEREAS, on May 31, 2022, the City filed a motion pursuant to CPLR 3212 and CPLR 2025, seeking summary judgment and leave to amend its reply to Defendants’ answer, with a return date of July 18, 2022;

WHEREAS, Defendants’ motion for summary judgment has been assigned Motion #1 and the City’s motion for summary judgment has been assigned Motion #2;

WHEREAS, the motions were previously adjourned by 30 days to August 11th, and August 17th, respectively;

WHEREAS, the parties served and filed their opposition to the opposing parties’ summary judgment motions on August 4, 2022;

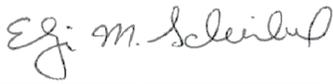
WHEREAS, in accordance with the Court's Civil Case Management Rules, the parties desire to enter into this Stipulation to adjourn the return dates of the motions by 30 days;

NOW THEREFORE, the parties agree as follows:

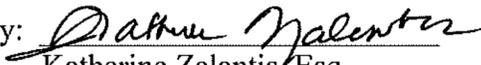
1. The return date for both Motion #1 and Motion #2 shall be adjourned to September 12, 2022; and
2. The parties shall file their reply papers on or before September 9, 2022.

Dated: August 9, 2022

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

By: 
Peter A. Meisels, Esq.
Eliza M. Scheibel
Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000

SILVERBERG ZALANTIS LLC

By: 
Katherine Zalantis, Esq.
Attorneys for Defendants
120 White Plains Road, Suite 305
Tarrytown, New York 10591
(914) 682-0707

SO ORDERED.
