

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

PRESENT: BARBARA R. KAPNICK  
J.S.C.  
Justice

PART 39

Index Number : 651786/2011  
BANK OF NEW YORK MELLON  
vs.  
FOR AN ORDER PURSUANT TO  
SEQUENCE NUMBER : 023  
OTHER RELIEFS \_\_\_\_\_

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

The following papers, numbered 1 to \_\_\_\_\_, were read on this motion to/for \_\_\_\_\_  
Notice of Motion/Order to Show Cause — Affidavits — Exhibits \_\_\_\_\_ | No(s). \_\_\_\_\_  
Answering Affidavits — Exhibits \_\_\_\_\_ | No(s). \_\_\_\_\_  
Replying Affidavits \_\_\_\_\_ | No(s). \_\_\_\_\_

Upon the foregoing papers, it is ordered that this motion to brought by order to show cause for an order converting this special proceeding under CPLR 7701 to a plenary action pursuant to CPLR 103(c) is denied in accordance with the decision dictated on the record on April 24, 2012.

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

Dated: 4/24/12

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

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