

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

GAETANA BREVE,

Index No.: 502006/2021

Plaintiff/Respondent,

NOTICE OF APPEAL

-against-

TKR PROPERTY SERVICES, INC. and LANA
COOPERATIVE APTS. INC.,

Defendants/Appellants.

C O U N S E L O R S :

PLEASE TAKE NOTICE, that the Defendants, TKR PROPERTY SERVICES, INC. and LANA COOPERATIVE APTS. INC., hereby appeal to the Appellate Division of the State of New York, for the Second Department, from a Decision and Order of the Supreme Court, Hon. Lawrence Knipel, dated May 16, 2022, and entered in the Office of the Clerk of the Supreme Court, County of Kings on May 20, 2022.



Dated: New York, NY
June 21, 2022

Maurice J. Recchia, Esq.
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Hickey Smith Matter Number: 5231

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and Lana Cooperative Apts. Inc.

To:

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Attorneys for Plaintiff Gaetana Breve

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

GAETANA BREVE,

Index No.: 502006/2021

Plaintiff,

AFFIDAVIT OF SERVICE

-against-

TKR PROPERTY SERVICES, INC. and LANA
COOPERATIVE APTS. INC.,

Defendants.

STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

Joseph Fuentes, being duly sworn, deposes, and says:

I am not a party to this action; I am over 18 years of age; I reside in Queens County; and I am a Legal Assistant with HICKEY SMITH DODD LLP. On June 22, 2022, I served the within NOTICE OF APPEAL upon:

Dario Perez, Esq.
LaRock & Perez, LLP
42 Broadway, Suite 1927
New York, NY 10004 Phone: (212) 571-1112
Email: dperez@larockperez.com

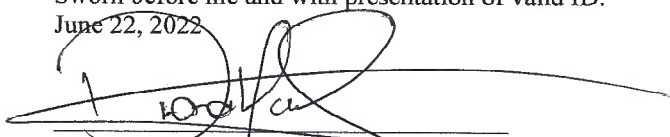
Attorneys for Plaintiff Gaetana Breve

via E-Filing the same in accordance with to the E-File Court Rules.



Joseph Fuentes

Sworn before me and with presentation of valid ID.
June 22, 2022



DIANA M HERNANDEZ
Notary Public, State of New York
No.01HE6417713
Qualified in Queens County
Commission Expires May 24, 2025

Supreme Court of the State of New York
Appellate Division : Second Judicial Department

Form A - Request for Appellate Division Intervention - Civil

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

For Court of Original Instance

GAETANA BREVE,

Plaintiff/Respondent,

-against-

TKR PROPERTY SERVICES, INC. and LANA
COOPERATIVE APTS. INC.,

Defendants/Appellants.

Date Notice of Appeal Filed

For Appellate Division

Case Type	<input type="checkbox"/> CPLR article 78 Proceeding	Filing Type	<input type="checkbox"/> Transferred Proceeding
<input checked="" type="checkbox"/> Civil Action	<input type="checkbox"/> Special Proceeding Other	<input type="checkbox"/> Appeal	<input type="checkbox"/> CPLR 5704 Review
<input type="checkbox"/> CPLR article 75 Arbitration	<input type="checkbox"/> Habeas Corpus Proceeding	<input type="checkbox"/> Original Proceeding	

Nature of Suit: Check up to five of the following categories which best reflect the nature of the case.

A. Administrative Review	D. Domestic Relations	F. Prisoners	I. Torts
<input type="checkbox"/> 1 Freedom of Information Law	<input type="checkbox"/> 1 Adoption	<input type="checkbox"/> 1 Discipline	<input type="checkbox"/> 1 Assault, Battery, False Imprisonment
<input type="checkbox"/> 2 Human Rights	<input type="checkbox"/> 2 Attorney's Fees	<input type="checkbox"/> 2 Jail Time Calculation	<input type="checkbox"/> 2 Conversion
<input type="checkbox"/> 3 Licenses	<input type="checkbox"/> 3 Children - Support	<input type="checkbox"/> 3 Parole	<input type="checkbox"/> 3 Defamation
<input type="checkbox"/> 4 Public Employment	<input type="checkbox"/> 4 Children - Custody/Visitation	<input type="checkbox"/> 4 Other	<input type="checkbox"/> 4 Fraud
<input type="checkbox"/> 5 Social Services	<input type="checkbox"/> 5 Children - Terminate Parental Rights		<input type="checkbox"/> 5 Intentional Infliction of Emotional Distress
<input type="checkbox"/> 6 Other	<input type="checkbox"/> 6 Children - Abuse/Neglect	G. Real Property	<input type="checkbox"/> 6 Interference with Contract
	<input type="checkbox"/> 7 Children - JD/PINS	<input type="checkbox"/> 1 Condemnation	<input type="checkbox"/> 7 Malicious Prosecution/Abuse of Process
B. Business & Other Relationships	<input type="checkbox"/> 8 Equitable Distribution	<input type="checkbox"/> 2 Determine Title	<input type="checkbox"/> 8 Malpractice
<input type="checkbox"/> 1 Partnership/Joint Venture	<input type="checkbox"/> 9 Exclusive Occupancy of Residence	<input type="checkbox"/> 3 Easements	<input type="checkbox"/> 9 Negligence
<input type="checkbox"/> 2 Business	<input type="checkbox"/> 10 Expert's Fees	<input type="checkbox"/> 4 Environmental	<input type="checkbox"/> 10 Nuisance
<input type="checkbox"/> 3 Religious	<input type="checkbox"/> 11 Maintenance/Alimony	<input type="checkbox"/> 5 Liens	<input type="checkbox"/> 11 Products Liability
<input type="checkbox"/> 4 Not-for-Profit	<input type="checkbox"/> 12 Marital Status	<input type="checkbox"/> 6 Mortgages	<input type="checkbox"/> 12 Strict Liability
<input type="checkbox"/> 5 Other	<input type="checkbox"/> 13 Paternity	<input type="checkbox"/> 7 Partition	<input type="checkbox"/> 13 Trespass and/or Waste
	<input type="checkbox"/> 14 Spousal Support	<input type="checkbox"/> 8 Rent	<input type="checkbox"/> 14 Other
C. Contracts	<input type="checkbox"/> 15 Other	<input type="checkbox"/> 9 Taxation	
<input type="checkbox"/> 1 Brokerage	E. Miscellaneous	<input type="checkbox"/> 10 Zoning	
<input type="checkbox"/> 2 Commercial Paper	<input type="checkbox"/> 1 Constructive Trust	<input type="checkbox"/> 11 Other	
<input type="checkbox"/> 3 Construction	<input type="checkbox"/> 2 Debtor & Creditor		H. Statutory
<input type="checkbox"/> 4 Employment	<input type="checkbox"/> 3 Declaratory Judgment	<input type="checkbox"/> 1 City of Mount Vernon Charter §§ 120, 127-f, or 129	<input type="checkbox"/> 1 Accounting
<input type="checkbox"/> 5 Insurance	<input type="checkbox"/> 4 Election Law	<input type="checkbox"/> 2 Eminent Domain Procedure Law § 207	<input type="checkbox"/> 2 Discovery
<input type="checkbox"/> 6 Real Property	<input type="checkbox"/> 5 Notice of Claim	<input type="checkbox"/> 3 General Municipal Law § 712	<input type="checkbox"/> 3 Probate/Administration
<input type="checkbox"/> 7 Sales	<input type="checkbox"/> 6 Other	<input type="checkbox"/> 4 Labor Law § 220	<input type="checkbox"/> 4 Trusts
<input type="checkbox"/> 8 Secured		<input type="checkbox"/> 5 Public Service Law §§ 128	<input type="checkbox"/> 5 Other
<input type="checkbox"/> 9 Other			

0293

Appeal

Paper Appealed From (check one only):

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Amended Decree | <input type="checkbox"/> Determination | <input checked="" type="checkbox"/> Order | <input type="checkbox"/> Resettled Order |
| <input type="checkbox"/> Amended Judgment | <input type="checkbox"/> Finding | <input type="checkbox"/> Order & Judgment | <input type="checkbox"/> Ruling |
| <input type="checkbox"/> Amended Order | <input type="checkbox"/> Interlocutory Decree | <input type="checkbox"/> Partial Decree | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Decision | <input type="checkbox"/> Interlocutory Judgment | <input type="checkbox"/> Resettled Decree | |
| <input type="checkbox"/> Decree | <input type="checkbox"/> Judgment | <input type="checkbox"/> Resettled Judgment | |

Court: **Supreme Court of the State of New York**County: **Kings**Dated: **May 16, 2022**Entered: **May 20, 2022**Judge (name in full): **Hon. Lawrence Knipel**Index No.: **502006/2021**Stage: Interlocutory Final Post-FinalTrial: Yes No If Yes: Jury Non-Jury

Prior Unperfected Appeal Information

Are any unperfected appeals pending in this case? Yes No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals? Yes No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:

Original Proceeding

Commenced by: Order to Show Cause Notice of Petition Writ of Habeas Corpus

Date Filed:

Statute authorizing commencement of proceeding in the Appellate Division:

Proceeding Transferred Pursuant to CPLR 7804(g)

Court:

County:

Judge (name in full):

Order of Transfer Date:

CPLR 5704 Review of Ex Parte Order

Court:

County:

Judge (name in full):

Dated:

Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

Defendants, TKR PROPERTY SERVICES, INC. and LANA COOPERATIVE APTS. INC., hereby appeal to the Appellate Division of the State of New York, for the Second Department, from a Decision and Order of the Supreme Court, Hon. Lawrence Knipel, dated May 16, 2022, and entered in the Office of the Clerk of the Supreme Court, County of Kings on May 20, 2022. Defendants' Motion to Compel/Strike Plaintiff to provid necessary authorizations with sections 9(a) initialed as per providers was denied in its entirety.

Amount: If an appeal is from a money judgment, specify the amount awarded.

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.

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