

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

**PRESENT: HON. ANDREW BORROK PART 53**

*Justice*

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**INDEX NO.** 653986/2020

ATLAS BROOKVIEW MEZZANINE LLC and ATLAS  
BROOKVIEW LLC

**MOTION DATE** \_\_\_\_\_

Plaintiff,

**MOTION SEQ. NO.** 002

- v -

DB BROOKVIEW LLC,

**DECISION + ORDER ON  
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 117

were read on this motion to/for DISMISSAL.

Upon the foregoing documents and for the reasons set forth on the record (11/16/2021), defendant DB Brookview LLC's motion to dismiss pursuant to CPLR 3211 (a)(1) and (a)(7) is granted in its entirety, and the complaint is dismissed.

11/16/2021

**DATE**



20211116140301ABORROKA24395C7BF84E3599CB9EA63174DEAB

**ANDREW BORROK, JSC**

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED  DENIED

GRANTED IN PART  OTHER

APPLICATION:  SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:  INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE

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

-----X  
ATLAS BROOKVIEW MEZZANINE LLC  
and ATLAS BROOKVIEW LLC,

Index No. 653986/2020

Plaintiffs,

**NOTICE OF ENTRY**

- v -

DB BROOKVIEW LLC,

Defendant,  
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**PLEASE TAKE NOTICE** that the enclosed is a true and correct copy of the Decision and Order of the Hon. Andrew Borrok, JSC on Motion Sequence No. 002, which was signed on November 16, 2021 and duly entered in the New York County Clerk’s Office on November 16, 2021 (NYSCEF Docket No. 118).

Dated: New York, New York  
November 18, 2021

**THOMPSON COBURN HAHN & HESSEN LLP**  
*Counsel for Defendant DB Brookview LLC*

By: /s/ Zachary G. Newman  
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Jose A. Fernandez

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**SUPREME COURT OF THE STATE OF NEW YORK  
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**INDEX NO. 653986/2020**

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BROOKVIEW LLC

**MOTION DATE \_\_\_\_\_**

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- v -

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**DECISION + ORDER ON  
MOTION**

Defendant.

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**ANDREW BORROK, JSC**

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DENIED

GRANTED IN PART

OTHER

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SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

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