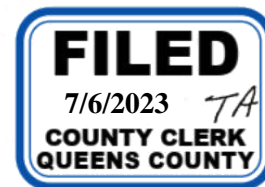


Short Form Order

NEW YORK STATE SUPREME COURT – QUEENS COUNTY

Present: HONORABLE MAURICE E. MUIR
Justice



ALFREDO VILLETA,

IAS Part - 42

Plaintiff,

Index No.: 711705/2021

-against-

Motion Date: 3/31/22

THE KOKOLAKIS LAW FIRM, PLLC and JOHN A.
KOKOLAKIS,

Motion Cal. No. 71

Defendants.

Motion Seq. No. 1

The following electronically filed (“EF”) documents read on this motion by the Kokolakis Law Firm, PLLC (“Kokolakis” or “movant”) for an order: (1) dismissing Plaintiffs Verified Complaint, and all claims against Defendants a) pursuant to CPLR § 3211 (a)(1) as documentary evidence resolves all factual issues and completely disposes of plaintiff’s claim, b) pursuant to CPLR § 3211(a)(5) as all claims are barred by res judicata and collateral estoppel, c) pursuant to CPLR § 3211(a)(5) on the basis of untimeliness, d) pursuant to CPLR § 3211 (a)(7) on the basis that plaintiff fails to state a cause of action as to defendants, e) pursuant to CPLR § 3211(a)(10) as the court should not proceed with this action in the absence of Georgia Villeta, a necessary party, and f) pursuant to CPLR § 3016(b) for failure to plead the breach of duty claims with sufficient particularity; (2) pursuant to 22 NYCRR § 130-1.1 awarding Kokolakis sanctions, fees and costs, and that plaintiff Alfredo Villeta (“Plaintiff”) be declared a vexatious litigant and enjoined from making future filings, making all of his future filings, including motions and pleadings, null and void without court approval; and (3) granting such other and further relief as the Court deems just and proper.

Moreover, the plaintiff cross moves for an order: (1) pursuant to CPLR § 3025, granting Plaintiff leave to file an Amended Complaint to include additional party; (2) pursuant to CPLR § 3025, granting plaintiff leave to file an Amended Complaint to include set forth additional causes

of action that have accrued since the filing of the Verified Complaint; and (3) granting plaintiff such other and further relief as the Court deems just and proper.

	Papers Numbered
Notice of Motion-Affirmation-Memorandum of Law-Exhibits...	EF 13 - 37
Notice of Cross Motion-Affirmation-Memo of Law-Exhibits.....	EF 38 - 55
Affirmation in Opposition-Memorandum of Law-Exhibits.....	EF 56 - 63
Affirmation in Support of Cross Motion-Exhibits.....	EF 65 - 85

Upon the foregoing papers it is ordered that the motion and cross-motion are combined herein for disposition, and determined as follows:

On or about February 16, 2023, the parties settled the instant action and filed a stipulation of discontinuance, with prejudice, with the clerk of the court.

Accordingly, it is hereby

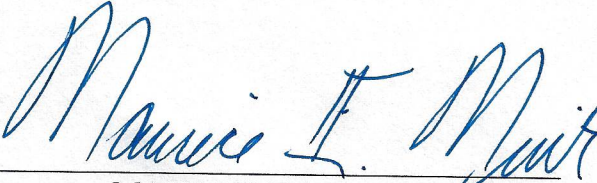
ORDERED that the defendant's motion is denied, in its entirety, as moot; and it is further,

ORDERED that the plaintiff's motion is denied, in its entirety, as moot.

The foregoing constitutes the decision and order of the court.

Dated: July 5, 2023

Long Island City, New York


MAURICE E. MUIR, J.S.C.

