

224 A.D.3d 757

Supreme Court, Appellate Division,  
Second Department, New York.

In the Matter of George  
ROCKMAN, petitioner-respondent,

v.

NASSAU COUNTY SHERIFF'S  
DEPARTMENT, respondent,  
Ana Rockman, also known  
as Ana D. Gamero, appellant.

2020–08532

|  
(Index No. 612361/17)

|  
Submitted—January 18, 2024

|  
February 14, 2024

### Synopsis

**Background:** In proceeding to compel sale of homestead to satisfy money judgment, the Supreme Court, Nassau County, [Antonio I. Brandveen, J.](#), denied party's motion to stay proceedings, and party appealed.

**[Holding:]** The Supreme Court, Appellate Division, held that court providently exercised its discretion in denying motion to stay proceeding.

Affirmed.

West Headnotes (2)

#### [1] **Action** Stay of Proceedings

Trial court providently exercised its discretion in denying motion to stay proceeding to compel sale of homestead to satisfy money judgment, particularly in light of stay previously imposed.

1 Case that cites this headnote

#### [2] **Action** Stay of Proceedings

Trial court has broad discretion with respect to stays of proceedings. [N.Y. CPLR § 2201](#).

### Attorneys and Law Firms

\*187 Law Offices of [Eyal Talassazan](#), P.C., Garden City, NY, for appellant.

[MARK C. DILLON, J.P.](#), [ANGELA G. IANNACCI](#),  
[LILLIAN WAN](#), [JANICE A. TAYLOR, J.J.](#)

### DECISION & ORDER

In a proceeding pursuant to [CPLR 5206\(e\)](#) to compel the sale of a homestead to satisfy a money judgment, Ana Rockman, also known as Ana D. Gamero, appeals from an order of the Supreme Court, Nassau County ([Antonio I. Brandveen, J.](#)), entered October 27, 2020. The order, insofar as appealed from, denied that branch of her motion which was to stay the proceeding.

ORDERED that the order is affirmed insofar as appealed from, without costs or disbursements.

This is a proceeding to compel the sale of a homestead to satisfy a money judgment. The respondent Ana Rockman, also known as Ana D. Gamero (hereinafter the appellant), moved, inter alia, to stay the proceeding. In an order, entered October 27, 2020, the Supreme Court, among other things, denied that branch of her motion. She appeals.

[1] [2] “Except where otherwise prescribed by law, the court in which an action is pending may grant a stay of proceedings in a proper case, upon such terms as may be just” ([CPLR 2201](#)). A trial court has “broad discretion with respect to stays as prescribed by [CPLR 2201](#)” (*Matter of Hersh*, 198 A.D.3d 773, 776, 156 N.Y.S.3d 62; see *Chaplin v. National Grid*, 171 A.D.3d 691, 692, 95 N.Y.S.3d 850). Here, the Supreme Court providently exercised its discretion in denying that branch of the appellant's motion which was to stay the proceeding, particularly in light of a stay previously imposed. To the extent that the appellant contends that [CPLR 321\(c\)](#) automatically stayed the proceeding (see *Wells Fargo Bank, N.A. v. Kurian*, 197 A.D.3d 173, 151 N.Y.S.3d 441;

*Matter of Cassini*, 182 A.D.3d 13, 120 N.Y.S.3d 103), CPLR 321(c) has not been shown to apply in this case.

Although the appellant contends that the Supreme Court erred in denying those branches of her prior motion which were to substitute counsel and to direct that prior counsel turn over the client file to successor counsel, the order appealed from did not recall and vacate or otherwise undo its prior determination granting those branches of her prior motion which were to substitute counsel and direct that prior counsel turn over the client file to successor counsel. Moreover, there was no motion pending before the court, under CPLR 2221 or

otherwise, that would have permitted the court to reconsider its prior determinations to grant substitution of counsel and direct prior counsel to turn over the client file.

The appellant's remaining contentions are without merit.

DILLON, J.P., IANNACCI, WAN and TAYLOR, JJ., concur.

**All Citations**

224 A.D.3d 757, 205 N.Y.S.3d 186, 2024 N.Y. Slip Op. 00769

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