

At an I.A.S. Trial Term, Part ¹⁰⁸ of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 14 day of Dec 20 17

P R E S E N T :

Hon. Johnny Lee Baynes
Justice

Plaintiff(s)

Cal. No. 21
Index No. 514680/2017

- against -

Allstate Insurance Company
Defendant(s)

The following papers numbered 1 to read on this motion	Papers Numbered
Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed	1
Answering Affidavit (Affirmation)	
Reply Affidavit (Affirmation)	
_____ Affidavit (Affirmation)	
Pleadings - Exhibits	
Stipulations - Minutes	
Filed Papers	

Plaintiff's Petition to Vacate the Master Arbitration Award of Anne L. Powers, Esq. (AAA Case No. 99-15-1020-7232) and Lower Arbitration Award of Stacey Charkey, Esq. (AAA Case No. 17-15-1020-7232) and award the amount of \$23,422.23, plus statutory interest and attorney fees pursuant to 11 NYCRR 65-4.1(d)(4) is hereby granted on default.

For Clerks use only

MGL
MD _____
Motion Seq. #

001

ENTER
Johnny Lee Baynes
J.S.C.
HON. JOHNNY LEE BAYNES

DEC 18 AM 8:35
FILED
COURT CLERK

Index No.: 514680/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Plaintiff,

- against -

ALLSTATE INSURANCE COMPANY,

Defendants.

NOTICE OF ENTRY with DECISION AND ORDER

THE SIGALOV FIRM PLLC
Attorneys for Defendant Life Equipment Inc.
1225 Franklin Avenue, Ste. 235
Garden City, New York 11530
Telephone:(347) 489-7830

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous

Dated: January 4, 2017
Garden City, New York

Signature By: _____


Jeffrey Datikashvili, Esq.



SUPREME COURT OF THE STATE OF NEW YORK

Index No. 514680/2017

COUNTY OF KINGS

Plaintiff(s)

EXECUTION WITH NOTICE TO GARNISHEE

against

ALLSTATE INSURANCE COMPANY

Defendant(s)

THE PEOPLE OF THE STATE OF NEW YORK TO THE SHERIFF OF ANY COUNTY, GREETING:

WHEREAS, in an action in the SUPREME Court of NEW YORK

County of KINGS

between

ALLSTATE INSURANCE COMPANY

as plaintiff(s) and as defendant(s)

who are all the parties named in said action, a judgment was entered on December 14, 2017

in favor of Plaintiff

judgment creditor(s)

and against Defendant

judgment debtor(s)

whose last known address is P.O. Box 2874, Clinton, Iowa 52733 / P.O. Box 440519, Kennesaw, GA 30160

in the amount of \$

23,422.23 including costs, of which \$

23,422.23 together with

interest thereon from January 5, 2018

remains due and unpaid;

WHEREAS, a transcript of the judgment was filed on December 14, 2017

with

the Clerk of the County of Kings

, in which county the judgment was entered; and

WHEREAS, a transcript of the judgment was docketed in the office of the Clerk of your county on Kings

NOW, THEREFORE, WE COMMAND YOU to satisfy the said judgment out of the real and personal property of the above named judgment debtor and the debts due to him; and that only the property in which said judgment debtor who is not deceased has an interest or the debts owed to him shall be levied upon or sold hereunder; AND TO RETURN this execution to the clerk of the above captioned court within 60 days after issuance unless service of this execution is made within that time or within extensions of that time made in writing by the attorney(s) for the judgment creditor .

Pursuant to CPLR § 5205(1), \$2,850 of an account containing direct deposit or electronic payments reasonably identifiable as statutorily exempt payments, as defined in CPLR § 5205(1)(2), is exempt from execution and the garnishee cannot levy upon or restrain \$2,850 in such an account.

Pursuant to CPLR § 5222(i), an execution shall not apply to an amount equal to or less than 90% of the greater of 240 times the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or 240 times the state minimum hourly wage prescribed in Labor Law § 652 as in effect at the time the earnings are payable, except such part as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents.

Notice to Garnisher TO: ALLSTATE INSURANCE COMPANY ADDRESS: P.O. Box 2874, Clinton, Iowa 52733 P.O. Box 440519, Kennesaw, GA 30160

WHEREAS, it appears that you are indebted to the judgment debtor, above named, or in possession or custody of property not capable of delivery in which the judgment debtor has an interest, including, without limitation, the following specified debt and property: \$23,422.23 plus statutory interest and attorneys fees

NOW, THEREFORE, YOU ARE REQUIRED by section 5232(a) of the Civil Practice Law and Rules forthwith to transfer to the sheriff all personal property not capable of delivery in which the judgment debtor is known or believed to have an interest now in or hereafter coming into your possession or custody including any property specified in this notice; and to pay to the sheriff, upon maturity, all debts now due or hereafter coming due from you to the judgment debtor, including any debts specified in this notice; and to execute any documents necessary to effect such transfer or payment;

AND TAKE NOTICE that until such transfer or payment is made or until the expiration of 90 days after the service of this execution upon you or such further time as is provided by any order of the court served upon you whichever event first occurs, you are forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff, except upon direction of the sheriff or pursuant to an order of the court;

AND TAKE FURTHER NOTICE THAT at the expiration of 90 days after a levy is made by service of this execution, or of such further time as the court upon motion of the judgment creditor has provided, this levy shall be void except as to property or debts which have been transferred or paid to the sheriff or as to which a proceeding under sections 5225 or 5227 of the Civil Practice Law and Rules has been brought.

Dated: 10/15/2020

Signature Print name signed Ian A. Besso

Attorney(s) for Judgment Creditor Plaintiff

Office and Post Office Address The Sigalov Firm, PLLC 200 Old Country Road, Suite 265, Mineola, NY 11501

A notice to judgment debtor in the form presented by CPLR § 5222(e) — HAS NOT — been served on judgment debtor within a year.

ENDORSEMENT

Please take notice that the following named defendants were not served with a summons herein, viz.:

and that, as to them, the execution must be restricted as below prescribed.

An execution against property shall not be levied upon the sole property of such a defendant, but it may be collected out of real and personal property owned by him jointly with the other defendants who were summoned or with any of them, and out of the real and personal property of the latter or any of them.

The Sigalov Firm PLLC by Ian A. Besso
Attorney(s) for
Plaintiff

Name and Address of Garnishee

Address of Judgment Debtor
P.O. Box 2874, Clinton, Iowa 52733
P.O. Box 440519, Kennesaw, GA 30160

Location of Property

INDEX NO. 514680/2017

COURT SUPREME NY

COUNTY OF KINGS

Execution

AGAINST PROPERTY

With Notice to Garnishee

FOOT & ANKLE ASSOCIATES / AURA VALENCIA

LAW OFFICES OF
The Sigalov Firm PLLC

Plaintiff(s)

against

ALLSTATE INSURANCE COMPANY

Defendant(s)

Sheriff of any County

Levy and collect as within directed
\$23,422.23

with interest from January 4, 2018
besides your fees, etc.

Attorney(s) for Plaintiff

Office and Post Office Address

The Sigalov Firm PLLC
200 Old Country Road, Suite 265, Mineola, NY 11501

Dated and time received

.....*Sheriff*