

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ROBERT R. REED
J.S.C. Justice

PART 43

Valdiviezo, Elizabeth

INDEX NO. 150596/2017

-v-

MOTION DATE

Tower Insurance Company

MOTION SEQ. NO. 002

The following papers, numbered 1 to , were read on this motion to/for
Notice of Motion/Order to Show Cause — Affidavits — Exhibits No(s).
Answering Affidavits — Exhibits No(s).
Replying Affidavits No(s).

Upon the foregoing papers, it is ordered that this motion is

Upon the foregoing documents, it is ordered that this motion is granted without opposition.

Defendant moves for an order dismissing plaintiff's complaint in its entirety, with prejudice, on the grounds that (1) plaintiff has failed to comply with this Court's order dated May 3, 2018; (2) failure to prosecute pursuant to CPLR 3216; and (3) relief pursuant to 22 NYCRR 202.27(b).

On May 3, 2018, this court granted plaintiff counsel's application to be relieved and ordered plaintiff to either appoint a substitute attorney or proceed pro se. Plaintiff has failed to either appoint a substitute attorney or proceed pro se in this matter. The court also directed plaintiff to appear for a preliminary conference in Part 43 (Room 581) at 111 Centre Street, on August 23, 2018. The plaintiff failed to appear.

Plaintiff Elizabeth Valdiviezo, having failed to appear at a scheduled conference in Part 43 on August 23, 2018 without reasonable excuse or prior notice, subjected herself to application by defendant for relief pursuant to CPLR 3216 and 22 NYCRR 202.27(b).

It is now, therefore

ORDERED that this motion is granted in favor of defendant Tower Insurance Company of New York and the Clerk of the Court is directed to enter judgment in favor of defendant Tower Insurance Company of New York dismissing this action, together with costs and disbursements to said defendant, as taxed by the Clerk upon presentation of a bill of costs.

Dated: 7/5/19

[Signature], J.S.C.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

- 1. CHECK ONE: [X] CASE DISPOSED [] NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: [X] GRANTED [] DENIED [] GRANTED IN PART [] OTHER
3. CHECK IF APPROPRIATE: [] SETTLE ORDER [] SUBMIT ORDER
[] DO NOT POST [] FIDUCIARY APPOINTMENT [] REFERENCE