

State of New York

Court of Appeals

***Decided and Entered on the
seventh day of May, 2020***

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2020-66

Xue Jie He,
Appellant,

v.

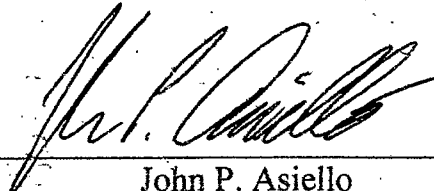
Hairong Xue,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief &c. in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is dismissed upon the ground that this Court does not have jurisdiction to entertain it (see NY Const, art VI, § 3; CPLR 5602); and it is further

ORDERED, that the motion for poor person relief &c. is dismissed as academic.



John P. Asiello
Clerk of the Court

Civil Court of the City of New York

County of NEW YORK

Part 8

Index Number SC 890/18

Motion Cal. # _____

Motion Seq. # _____

XUE JIE HE

Claimant(s)/Plaintiff(s)/Petitioner(s)
against

HAIROING XUE Defendant(s)/Respondent(s)

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

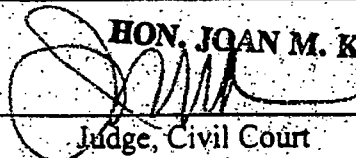
Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits	_____
Replying Affidavits.....	_____
Exhibits	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to vacate

an arbitrator's decision is as follows
denied. Both sides consented to
arbitration. The arbitrator dismissed
the matter after a trial.

8/16/18

Date **HON. JOAN M. KENNEY**


HON. JOAN M. KENNEY
Judge, Civil Court

APPENDIX B

F

State of New York

Court of Appeals

*Decided and Entered on the
tenth day of September, 2020*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2020-396

Xue Jie He,
Appellant,

v.

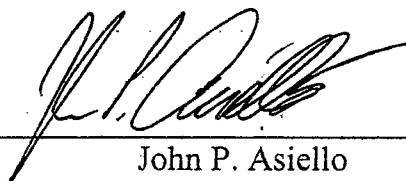
Hairong Xue,
Respondent.

Appellant having moved for reargument of a motion for leave to appeal to the
Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for reargument is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

Civil Court of the City of New York
County of NEW YORK
Part

Index Number SC 890/18

XUE JIE HE

Claimant(s)/Plaintiff(s)/Petitioner(s),

NOTICE OF APPEAL

-against-

HAIRONG XUE

Defendant(s)/Respondent(s)

PLEASE TAKE NOTICE that the Appellant, XUE JIE HE

hereby appeals to the Appellate Term of the Supreme Court, First/Second Department, from
Strike one

the Order/Judgment by the Hon. HON. JOAN M. KENNEY
Strike one

Judge of the Civil/Housing Court of the City of New York, entered in the office of the Clerk of
Strike one

said Court on 8-16-18, and from each and every part thereof.

Dated: 8/28/18

Appellant's Signature: Xue Jie He

Appellant's Name: XUE JIE HE

To: HAIRONG XUE

Address: 40 Ann Street
New York, NY 10038

100-106 West 14th St. Unit 51

New York City, NY 10038

Appellant's Phone: 347-268-9418

DEC 17 2018

SUPREME COURT, APPELLATE TERM, FIRST DEPARTMENT

December 2018 Term

Ling-Cohan J.P., Gonzalez, Cooper, JJ.

Xue Jie He,
Plaintiff-Appellant,NY County Clerk's No.
570916/18

- against -

Hairong Xue,
Defendant-Respondent.

Calendar No. 18-359

FILED
DEC 20 2018
NEW YORK COUNTY
COUNTY CLERK

Plaintiff appeals from an order of the Small Claims Part of the Civil Court of the City of New York, New York County (Joan M. Kenney, J.), entered August 16, 2018, which denied her motion to vacate an arbitrator's award in favor of defendant.

Per Curiam.

Order (Joan M. Kenney, J.), entered August 16, 2018, affirmed, without costs.

Plaintiff's motion to vacate the small claims arbitration award was properly denied on this record, which shows that plaintiff signed an arbitration consent form in which she agreed that the award was final and expressly waived her right to appeal (see 22 NYCRR 208.41[n][2]). Therefore, to the extent plaintiff sought review of the merits of the arbitrator's award, her motion was properly denied. Plaintiff also failed to demonstrate that vacatur

APPENDIX E

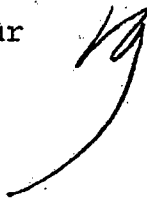
of the award was proper under any of the grounds set forth in CPLR 7511[b] [1]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

I concur



I concur



I concur



FILED
DEC 20 2018
NEW YORK COUNTY
COUNTY CLERK

At an Appellate Term of the Supreme Court, First Department
Held at the Court House, Borough of Manhattan,
City of New York, on the 26th day of February 2019.

Present: - Hon. Doris Ling-Cohan, P.J.,

“ Lizbeth Gonzalez,

“ Matthew Cooper, Justices.

Xuejie He

Claimant-Appellant,

- against-

Hairong Xue

Defendant-Respondent.

N.Y. County Clerk's # 570916/18

Civil N.Y. County Index # 890/18

ORDER ON MOTION


Cal No: 18-359

The above named claimant-appellant, having moved by notice of motion returnable February 20, 2019, for an order granting permission to reargue and/or leave to appeal to the Appellate Division, First Department and for other relief.

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is Ordered that the motion for permission to reargue and/or leave to appeal to the Appellate Division, First Department is denied.

Enter, _____


Justice, Appellate Term
Supreme Court, First Department

MATTHEW F. COOPER, J.

MATTHEW F. COOPER, J.

FILED

FEB 26 2019

COUNTY CLERK'S OFFICE
NEW YORK

APPENDIX F

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

PRESENT: Hon. Rosalyn H. Richter,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern,

Justice Presiding,

Justices.

-----X
Xue Jie He,
Plaintiff-Appellant,

-against-

Hairong Xue,
Defendant-Respondent.
-----X

M-1757
Index No. 570916/18

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about December 20, 2018, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:


CLERK

APPENDIX G

RECEIPT

DATE 04/01/2017 NO

RECEIVED FROM Helen Xie \$750.00

deposit (one month rent) DOLLARS

☐ FOR RENT 100 W 141st Apt 51 one room

ACCOUNT			<input type="checkbox"/> CASH	FROM <u> </u> TO <u> </u>
PAYMENT			<input type="checkbox"/> CHECK	
BAL. DUE			<input type="checkbox"/> MONEY ORDER	BY <u>Helen Xie</u>

RECEIPT

DATE 04/01/2017 NO

RECEIVED FROM HE XUE JIE \$750.00

 DOLLARS

☒ FOR RENT 100 W 141st Apt 51 one room

ACCOUNT			<input type="checkbox"/> CASH	FROM <u>04/01/2017</u> TO <u>04/30/2017</u>
PAYMENT			<input type="checkbox"/> CHECK	
BAL. DUE			<input type="checkbox"/> MONEY ORDER	BY <u>Helen Xie</u>

Small Claims/Commercial Claims Part

He, Xuejie

Claimant(s),

against

NOTICE OF JUDGMENT

Xie, Helen

Defendant(s)

DECISION: After Trial/Inquest the decision in the above action is as follows:A. ☒ Judgment in favor of He, Xuejie

Judgment Award Amount

\$ 2250.00Interest 5/31/17\$ 50.63

Disbursements

\$ 26.-

TOTAL JUDGMENT

\$ 2320.63

*When an Award has been granted,
information below the bold line and
on the reverse side applies to all parties.*

B. ☐ Judgment in favor of Defendant. Claim Dismissed. No monetary award.

Information below the bold line and on the reverse side of this form does not apply to Dismissed Claims

8/10/2017

Date

[Signature]
Judge, Civil Court/Arbitrator

APPEAL: An Appeal may only be taken from an Order or a Judgment rendered by a Judge (not an Arbitrator), after a trial. An Appeal from this Judgment must be taken no later than the earliest of the following dates:

- (i) thirty days after receipt in court of a copy of the judgment by the appealing party,
- (ii) thirty days after personal delivery of a copy of the judgment by another party to the action to the appealing party (or by the appealing party to another party), or
- (iii) thirty-five days after the mailing of a copy of the judgment to the appealing party by the clerk of the court or by another party to the action.

INFORMATION FOR THE JUDGMENT DEBTOR

(The party against whom a money judgment has been entered)

**YOU HAVE A LEGAL OBLIGATION TO PAY THIS JUDGMENT TO THE JUDGMENT CREDITOR.
YOU MUST PRESENT PROOF TO THE COURT UPON SATISFACTION OF THE JUDGMENT.**

Your failure to pay the judgment may subject you to any one or any combination of the following:

- a) garnishment of wage(s) and/or bank account(s).
- b) lien, seizure and/or sale of real property and/or personal property, including automobile(s)
- c) suspension of motor vehicle registration, and/or drivers license, if the underlying claim is based on judgment debtor's ownership or operation of a motor vehicle.
- d) revocation, suspension, or denial of renewal of any applicable business license or permit.
- e) investigation and prosecution by the State Attorney General for fraudulent or illegal business practices.
- f) a penalty equal to three times the amount of the unsatisfied judgment plus attorney's fees, if there are unpaid claims.

If you did not appear in court on the day the Hearing was held, you are a defaulting party. A judgment may have been taken against you even though you were not in court. If that is so, you may come to the court and apply in writing to have the default judgment opened. You must give the Judge a reasonable excuse for your failure to appear in court and show that you have a meritorious defense. The Judge will review your request and may vacate the default judgment and give you another chance to go to court.

**THE JUDGMENT IS VALID FOR A PERIOD OF 20 YEARS. IF THE JUDGMENT IS NOT COLLECTED
UPON THE FIRST ATTEMPT, FURTHER COLLECTION MAY BE MADE AT A LATER DATE.**

("INFORMATION FOR THE JUDGMENT CREDITOR" is on the reverse side.)