

MANDATE

S.D.N.Y.-N.Y.C.
20-cv-279
Cronan, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of March, two thousand twenty-one.

Present:

Robert D. Sack,
Richard C. Wesley,
Steven J. Menashi,
Circuit Judges.

7 West 21 LI LLC,

Plaintiff-Appellee,

v.

Clement Mosseri,

20-3647 (L),
21-94 (Con),
21-180 (Con),
21-293 (Con)

Defendant-Appellant.

Appellant, pro se, moves for in forma pauperis status, a stay of district court proceedings, and other relief. This Court has determined sua sponte that it lacks jurisdiction over these appeals because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. *See Petrello v. White*, 533 F.3d 110, 113 (2d Cir. 2008). Upon due consideration, it is hereby ORDERED that the appeals are DISMISSED. It is further ORDERED that Appellant's motions are DENIED as moot.

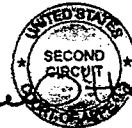
FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 04/01/2021

A

CASE SUMMARY

Court: New York County Civil Court
Index Number: LT-053774-19/NY

Petitioner(s):
7 West 21 LI LLC

Case Type: Landlord and Tenant
Filed Date: 02/13/2019
Property Type: Residential
Classification: Holdover
Status: Active - Appeal Pending

vs.

Respondent(s):
Clement Mosseri;
"John" "Doe";
"Jane" "Doe"

Cause(s) of Action: Holdover

Property Address(es): 7 West 21st Street Apt 1708, New York, NY 10010-

(P) 7 West 21 LI LLC
Borah Goldstein Alshuler Nahins & Goidel PC - 377 Broadway, 6th Floor, New York, NY 10013-6020, (212) 431-1300 ext:

(R) Clement Mosseri - 7 West 21st Street Apt 1708, New York, NY 10010

(R) "John" "Doe" (Undertenant) - 7 West 21st Street Apt 1708, New York, NY 10010

(R) "Jane" "Doe" (Undertenant) - 7 West 21st Street Apt 1708, New York, NY 10010

PAPERS RECORDED

02/13/2019 Petition by Attorney, Filed By: (P) 7 West 21 LI LLC
06/11/2019 Miscellaneous - Counterclaims/Complaints Submitted, Filed By: (R) Clement Mosseri
06/12/2019 Motion (General), Seq 1, Court Date(s): 11/19/2019; 10/04/2019; 08/19/2019, Filed By: (R) Clement Mosseri, Relief: Dismiss Complaint, Status: Decided (11/19/2019, Denied, Frances A. Ortiz)
08/09/2019 Motion (General), Seq 2, Court Date(s): 11/19/2019; 10/04/2019; 08/19/2019, Filed By: (R) Clement Mosseri, Relief: Judgment - Default, Status: Decided (11/19/2019, Denied, Frances A. Ortiz)
08/20/2019 Appeal, Filed Date: 08/20/2019
08/20/2019 Notice of Appeal
09/04/2019 Motion (General), Seq 3, Court Date(s): 11/19/2019; 10/04/2019, Filed By: (P) 7 West 21 LI LLC, Relief: Amend Petition, Status: Decided (11/19/2019, Granted to Extent per Order, Frances A. Ortiz)
11/20/2019 Notice of Entry - Decision/Order, Filed By: (P) 7 West 21 LI LLC
11/20/2019 Notice of Entry - Decision/Order, Filed By: (P) 7 West 21 LI LLC

11/20/2019 Notice of Entry - Decision/Order, Filed By: (P) 7 West 21 LI LLC
 01/07/2020 Notice of Entry - Decision/Order, Filed By: (P) 7 West 21 LI LLC
 11/09/2020 Miscellaneous - Notice of Removal, Filed By: (R) Clement Mosseri

APPEARANCE ACTIVITY

02/27/2019 Part F, Judge: Michelle D. Schreiber, Purpose: For All Purposes, Outcome(s): Adjourned: 04/25/2019
 04/25/2019 Part F, Judge: Michelle D. Schreiber, Purpose: For All Purposes, Outcome(s): Adjourned: 06/14/2019
 06/14/2019 Part F, Judge: Frances A. Ortiz, Purpose: For All Purposes, Outcome(s): Adjourned: 08/19/2019
 08/19/2019 Part F, Judge: Clifton A. Nembhard, Purpose: Motion (1) - Dismiss Complaint, Outcome(s): Adjourned: 10/04/2019
 08/19/2019 Part F, Judge: Clifton A. Nembhard, Purpose: For All Purposes, Outcome(s): Adjourned: 10/04/2019
 08/19/2019 Part F, Judge: Clifton A. Nembhard, Purpose: Motion (2) - Judgment - Default, Outcome(s): Adjourned: 10/04/2019
 10/04/2019 Part F, Judge: Timmie E. Elsner, Purpose: Motion (2) - Judgment - Default, Outcome(s): Adjourned: 11/19/2019
 10/04/2019 Part F, Judge: Timmie E. Elsner, Purpose: Motion (1) - Dismiss Complaint, Outcome(s): Adjourned: 11/19/2019
 10/04/2019 Part F, Judge: Timmie E. Elsner, Purpose: For All Purposes, Outcome(s): Adjourned: 11/19/2019
 10/04/2019 Part F, Judge: Timmie E. Elsner, Purpose: Motion (3) - Amend Petition, Outcome(s): Adjourned: 11/19/2019
 11/19/2019 Part F, Judge: Frances A. Ortiz, Purpose: For All Purposes, Outcome(s): Adjourned: 01/03/2020
 11/19/2019 Part F, Judge: Frances A. Ortiz, Purpose: Motion (1) - Dismiss Complaint, Outcome(s): Denied
 11/19/2019 Part F, Judge: Frances A. Ortiz, Purpose: Motion (2) - Judgment - Default, Outcome(s): Denied
 11/19/2019 Part F, Judge: Frances A. Ortiz, Purpose: Motion (3) - Amend Petition, Outcome(s): Granted to Extent per Order
 01/03/2020 Part F, Judge: Frances A. Ortiz, Purpose: For All Purposes, Outcome(s): Adjourned: 03/10/2020
 03/10/2020 Part F, Judge: Marcia J. Sikowitz, Purpose: For All Purposes, Outcome(s): Adjourned: 03/25/2020
 03/25/2020 Part F, Judge: Marcia J. Sikowitz, Purpose: Inquest: Court, Outcome(s): Adjourned: 05/13/2020
 05/13/2020 Part F, Judge: Marcia J. Sikowitz, Purpose: Inquest: Court, Outcome(s): Rescheduled: 04/26/2021
 04/26/2021 Part Z, Purpose: For All Purposes


Pro Se Filing 20-CV-00279

From: Clem Moss (clemmoss51@gmail.com)

To: temporary_pro_se_filing@nysd.uscourts.gov

Date: Monday, May 4, 2020, 2:37 PM EDT

 **Motion for Summary Judgment 20CV00279.pdf**


 Virus-free. www.avast.com

Pro Se Filing 20-CV-00279

From: Clem Moss (clemmoss51@gmail.com)

To: temporary_pro_se_filing@nysd.uscourts.gov

Date: Monday, May 4, 2020, 2:40 PM EDT

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- Record of Appeal 20CV00279.pdf
23.1MB

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CASREF,ECF,PRO-SE

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-00279-JPC**

7 West 21 LI LLC v. Mosseri
Assigned to: Judge John P. Cronan
Referred to: Magistrate Judge Stewart D. Aaron (Settlement)
Case in other court: Civil Court-City of New York
(Housing), 053774/2019
Cause: 28:1441nr Notice of Removal

Date Filed: 01/13/2020

Jury Demand: None

Nature of Suit: 190 Contract: Other

Jurisdiction: Federal Question

Plaintiff**7 West 21 LI LLC**represented by **Jeffrey C. Chancas**Borah, Goldstein, Altschuler, Nahins, &
Goidel, P.C.

377 Broadway, 6th Floor

New York, NY 10013

212 965 2663

Fax: 212 965 2773

Email: jchancas@borahgoldstein.com

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

V.

Defendant**Clement Mosseri**represented by **Clement Mosseri**

7 West 21st Street

Apartment #1708

New York, NY 10010

PRO SE

| Date Filed | # | Docket Text |
|------------|----------|---|
| 01/13/2020 | <u>1</u> | CIVIL COVER SHEET filed. (rdz) (Entered: 01/14/2020) |
| 01/13/2020 | <u>2</u> | NOTICE OF REMOVAL from Civil Court, County of New York. Case Number: 053774/2019. (Filing Fee \$ \$400.00, Receipt Number 465401252343). Document filed by Clement Mosseri.(rdz) Modified on 1/14/2020 (rdz). (Entered: 01/14/2020) |
| 01/13/2020 | | Case Designated ECF. (rdz) (Entered: 01/14/2020) |

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| 01/13/2020 | | Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (rdz) (Entered: 01/14/2020) |
| 01/13/2020 | <u>3</u> | MOTION FOR LEAVE TO FILE IN FORMA PAUPERIS..AFFIRMATION AND DECLARATION IN SUPPORT. Document filed by Clement Mosseri. (rdz) (Entered: 01/14/2020) |
| 03/16/2020 | <u>4</u> | EX PARTE EMERGENCY MOTION, re: to Set Aside all rulings rendered after commencement of this motion, 1/13/20; to issue a stay to the Housing Court until a final decision is rendered by the Federal Courts etc. Document filed by Clement Mosseri.(sc) (Entered: 03/16/2020) |
| 03/18/2020 | <u>5</u> | ORDER: The plaintiff should provide a letter to the Court by March 24, 2020 explaining what motions, if any, the plaintiff wishes to make. The Clerk is directed to mail a copy of this order to the pro se defendant. SO ORDERED. (Signed by Judge John G. Koeltl on 3/18/2020) (ks) Transmission to Docket Assistant Clerk for processing. (Entered: 03/18/2020) |
| 03/18/2020 | <u>6</u> | ORDER: The Clerk's office is now docketing the state court, which should be available on ECF this week. The Clerk is directed to mail a copy of this order to the pro se defendant. SO ORDERED. (Signed by Judge John G. Koeltl on 3/18/2020) (ks) Transmission to Docket Assistant Clerk for processing. (Entered: 03/18/2020) |
| 03/18/2020 | | Minute Entry for proceedings held before Judge John G. Koeltl: Telephone Conference held on 3/18/2020. (kgo) (Entered: 04/14/2020) |
| 03/19/2020 | <u>7</u> | APPENDIX,UNCERTIFIED COPY OF THE RECORD BELOW(as indicated). Document filed by Clement Mosseri. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit).(sc) (Entered: 03/19/2020) |
| 03/20/2020 | | Mailed a copy of <u>5</u> Order, to Clement Mosseri at 7 West 21st Street, Apartment #1708, New York, NY 10010. (dsh) (Entered: 03/20/2020) |
| 03/20/2020 | | Mailed a copy of <u>6</u> Order, to Clement Mosseri at 7 West 21st Street, Apartment #1708, New York, NY 10010. (dsh) (Entered: 03/20/2020) |
| 03/25/2020 | <u>8</u> | ORDER, No teleconference is necessary. The plaintiff may proceed with the motion to remand. The plaintiff should consider whether there is subject matter jurisdiction in this Court. The plaintiff should also consider whether the removal was untimely or otherwise procedurally defective. The plaintiff should also consider whether a motion to remand based on procedural defects is timely. The plaintiff can consider any other basis for the motion to remand. The plaintiff should make the motion to remand by April 10, 2020. The defendant should respond by April 24, 2020. The plaintiff may reply by May 4, 2020. The plaintiff is directed to serve a copy of this order on the defendant by email. SO ORDERED. (Motions due by 4/10/2020., Responses due by 4/24/2020, |

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| | | Replies due by 5/4/2020.) (Signed by Judge John G. Koeltl on 3/25/20) (yv) (Entered: 03/26/2020) |
| 04/22/2020 | <u>9</u> | NOTICE OF APPEARANCE by Jeffrey C. Chancas on behalf of 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 04/22/2020) |
| 04/22/2020 | <u>10</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 04/22/2020) |
| 04/22/2020 | <u>11</u> | FIRST LETTER MOTION for Extension of Time to File <i>Motion to Remand from April 10, 2020 [ECF#8] to June 19, 2020</i> , addressed to Judge John G. Koeltl from Jeffrey C. Chancas dated April 22, 2020. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 04/22/2020) |
| 04/22/2020 | <u>12</u> | FIRST LETTER MOTION for Conference (<i>Settlement Conference</i>) addressed to Judge John G. Koeltl from Jeffrey C. Chancas dated April 22, 2020. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 04/22/2020) |
| 04/23/2020 | <u>13</u> | ORDER OF REFERENCE TO A MAGISTRATE JUDGE: Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Stewart D. Aaron. SO ORDERED. (Signed by Judge John G. Koeltl on 4/23/2020) (ama) (Entered: 04/23/2020) |
| 04/23/2020 | <u>14</u> | ORDER granting <u>11</u> Letter Motion for Extension of Time to File. Time to move to remand is extended to June 19, 2020. The case is referred to the Magistrate Judge for purposes of settlement. SO ORDERED. (Signed by Judge John G. Koeltl on 4/23/20) (yv) (Entered: 04/23/2020) |
| 04/23/2020 | | Set/Reset Deadlines: Clement Mosseri answer due 6/19/2020. (yv) (Entered: 04/23/2020) |
| 04/23/2020 | | Set/Reset Deadlines: Motions due by 6/19/2020. (yv) (Entered: 04/27/2020) |
| 06/05/2020 | <u>15</u> | ORDER terminating <u>4</u> Motion to Set Aside ; terminating <u>12</u> Motion for Conference. The Clerk is directed to close Docket Nos. 4 and 12. SO ORDERED. (Signed by Judge John G. Koeltl on 6/5/2020) (ks) (Entered: 06/05/2020) |
| 06/18/2020 | <u>16</u> | SECOND LETTER MOTION for Extension of Time to File <i>Motion to Remand from June 19, 2020 to August 21, 2020</i> , addressed to Judge John G. Koeltl from Jeffrey C. Chancas dated June 18, 2020. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 06/18/2020) |
| 06/19/2020 | <u>17</u> | ORDER granting <u>16</u> Letter Motion for Extension of Time. Application granted. The plaintiff is directed to serve a copy of this order on the pro se defendant. SO ORDERED. (Signed by Judge John G. Koeltl on 6/19/2020) Motions due by 8/21/2020. (ks) (Entered: 06/19/2020) |
| 06/26/2020 | <u>18</u> | AFFIDAVIT OF SERVICE of Order Granting Letter Motion for Extension of Time to File Motion to Remand until 8/21/2020 [ECF#17] served on Clement Mosseri on June 23, 2020. Service was made by Mail. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 06/26/2020) |
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| 08/18/2020 | <u>19</u> | THIRD LETTER MOTION for Extension of Time <i>to File Motion to Remand from August 21, 2020 to October 30, 2020</i> , addressed to Judge John G. Koeltl from Jeffrey C. Chancas dated August 18, 2020. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 08/18/2020) |
| 08/19/2020 | <u>20</u> | ORDER granting <u>19</u> Letter Motion for Extension of Time. Application granted. SO ORDERED. Motions due by 10/30/2020. (Signed by Judge John G. Koeltl on 8/19/2020) (kv) (Entered: 08/19/2020) |
| 09/29/2020 | | NOTICE OF CASE REASSIGNMENT to Judge John Peter Cronan. Judge John G. Koeltl is no longer assigned to the case. (aea) (Entered: 09/30/2020) |
| 10/09/2020 | | Mailed Notice of Reassignment to litigant.(laq) (Entered: 10/09/2020) |
| 10/19/2020 | <u>21</u> | NOTICE OF REASSIGNMENT, Unless and until the Court orders otherwise, all prior orders, dates, and deadlines shall remain in effect notwithstanding the case's reassignment. All parties must familiarize themselves with the Court's Individual Rules, including the Court's Individual Rules and Practices for Pro Se Litigants (that is, litigants without counsel), which are available at https://www.nysd.uscourts.gov/hon-john-p-cronan . Pursuant to the Honorable John G. Koeltl's Order dated August 19, 2020 (Dkt. 20), Plaintiff must file a motion to remand by October 30, 2020. Defendant must respond by November 13, 2020. Plaintiff may reply by November 23, 2020. The Clerk of the Court is respectfully directed to mail a copy of this order to the pro se Defendant. SO ORDERED. (Responses due by 11/13/2020, Replies due by 11/23/2020.) (Signed by Judge John P. Cronan on 10/19/20) (yv) Transmission to Docket Assistant Clerk for processing. (Entered: 10/19/2020) |
| 10/19/2020 | | Mailed a copy of <u>21</u> Order, Set Deadlines, to Clement Mosseri at 7 West 21st Street, Apartment #1708, New York, NY 10010. (dsh) (Entered: 10/19/2020) |
| 10/22/2020 | <u>22</u> | NOTICE OF APPEAL from <u>21</u> Order, Set Deadlines. Document filed by Clement Mosseri. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp) (Entered: 10/22/2020) |
| 10/22/2020 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>22</u> Notice of Appeal. (tp) (Entered: 10/22/2020) |
| 10/22/2020 | | Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>22</u> Notice of Appeal filed by Clement Mosseri were transmitted to the U.S. Court of Appeals. (tp) (Entered: 10/22/2020) |
| 10/22/2020 | | Appeal Fee Due: for <u>22</u> Notice of Appeal. Appeal fee due by 11/5/2020. (tp) (Entered: 10/22/2020) |
| 10/28/2020 | <u>23</u> | FOURTH LETTER MOTION for Extension of Time <i>to File Motion to Remand from October 30, 2020 to December 31, 2020</i> , addressed to Judge John P. Cronan from Jeffrey C. Chancas dated October 28, 2020. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 10/28/2020) |
| 10/28/2020 | <u>24</u> | AFFIDAVIT OF SERVICE of Fourth Letter Motion for Extension of Time to File Motion to Remand [ECF # 23] served on Clement Mosseri on October 28, |

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| | | 2020. Service was made by Fed Ex Overnight Mail. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 10/28/2020) |
| 10/29/2020 | <u>25</u> | ORDER granting <u>23</u> Letter Motion for Extension of Time. Plaintiff's request is GRANTED. Plaintiff's deadline to file a motion to remand is extended to December 31, 2020. It is further ORDERED that the parties shall appear before the Court for a Conference on January 8, 2021, at 2:00 p.m. In light of the ongoing COVID-19 pandemic, the Court will conduct the IPTC by teleconference. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. The Clerk of the Court is respectfully directed to mail a copy of this Order to the pro se Defendant. SO ORDERED. (Signed by Judge John P. Cronan on 10/29/2020) Motions due by 12/31/2020. (ks) Transmission to Docket Assistant Clerk for processing. (Entered: 10/29/2020) |
| 10/29/2020 | | Set/Reset Hearings: Initial Conference set for 1/8/2021 at 02:00 PM before Judge John P. Cronan. (ks) (Entered: 10/29/2020) |
| 10/30/2020 | | Mailed a copy of <u>25</u> Order on Motion for Extension of Time to Clement Mosseri at 7 West 21st Street, Apartment #1708, New York, NY 10010. (kh) (Entered: 10/30/2020) |
| 12/29/2020 | <u>26</u> | FIFTH LETTER MOTION for Extension of Time <i>to File Motion to Remand from December 31, 2020 to January 29, 2021</i> , addressed to Judge John P. Cronan from Jeffrey C. Chancas dated December 29, 2020. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 12/29/2020) |
| 12/29/2020 | <u>27</u> | FIRST LETTER MOTION to Adjourn Conference <i>from January 8, 2021 at 2:00 p.m. for Thirty (30) Days</i> , addressed to Judge John P. Cronan from Jeffrey C. Chancas dated December 29, 2020. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 12/29/2020) |
| 12/29/2020 | <u>28</u> | AFFIDAVIT OF SERVICE of Fifth Letter Motion for Extension of Time to Move to Remand [ECF #26] and First Letter Motion for Adjournment of Conference [ECF #27] served on Clement Mosseri on December 29, 2020. Service was made by Fed Ex Overnight Mail. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 12/29/2020) |
| 01/04/2021 | <u>29</u> | ORDER granting <u>26</u> FIFTH LETTER MOTION for Extension of Time to File Motion to Remand from December 31, 2020 to January 29, 2021; granting in part <u>27</u> FIRST LETTER MOTION to Adjourn Conference from January 8, 2021 at 2:00 p.m. for Thirty (30) Days. Plaintiff's request for an extension of time to move to remand is GRANTED. Plaintiff shall move to remand by January 29, 2021. Absent exceptional circumstances, this will be the last time the Court grants this extension. Further, the Initial Pretrial Conference scheduled for January 8, 2021, at 2:00 p.m. is hereby adjourned to January 20, 2021, at 2:00 p.m. Unless the Court directs otherwise, the Court plans to conduct the conference by teleconference. Any party that is proceeding in this case pro se is required to appear at this conference. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Defendant. The Clerk of Court is further directed to close the motions pending |

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| | | on Dkts. 26, 27. SO ORDERED. (Motions due by 1/29/2021.) (Initial Conference set for 1/20/2021 at 02:00 PM before Judge John P. Cronan.) (Signed by Judge John P. Cronan on 1/3/2021) (jca) (Entered: 01/04/2021) |
| 01/04/2021 | | Transmission to Docket Assistant Clerk. Transmitted re: <u>29</u> Order on Motion for Extension of Time, Order on Motion to Adjourn Conference to the Docket Assistant Clerk for case processing. (jca) (Entered: 01/04/2021) |
| 01/05/2021 | | Mailed a copy of <u>29</u> Order on Motion for Extension of Time, Order on Motion to Adjourn Conference, to Clement Mosseri at 7 West 21st Street, Apartment #1708, New York, NY 10010. (dsh) (Entered: 01/05/2021) |
| 01/12/2021 | <u>31</u> | NOTICE OF APPEAL from <u>29</u> Order on Motion for Extension of Time, Order on Motion to Adjourn Conference. Document filed by Clement Mosseri. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp) (Entered: 01/14/2021) |
| 01/14/2021 | <u>30</u> | MOTION to Stay and for Recusal. Document filed by Clement Mosseri. (ok) (Entered: 01/14/2021) |
| 01/14/2021 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>31</u> Notice of Appeal. (tp) (Entered: 01/14/2021) |
| 01/14/2021 | | Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>31</u> Notice of Appeal filed by Clement Mosseri were transmitted to the U.S. Court of Appeals. (tp) (Entered: 01/14/2021) |
| 01/19/2021 | <u>32</u> | ORDER. Before this Court is Defendant Clement Mosseri's Motion to Stay and for Recusal, (Dkt. 30), seeking recusal of the undersigned and requesting a stay of this case. In his motion, Defendant also informs the Court that he is unable to participate in the Initial Pretrial Conference scheduled for January 20, 2021, at 2:00 p.m. due to a hearing condition. For reasons described below, the Court denies Defendant's Motion to Stay and Motion for Recusal. Further, the Initial Pretrial Conference scheduled for January 20, 2021, at 2:00 p.m. is hereby adjourned to February 10, 2021, at 11:00 a.m. To accommodate Defendant's condition, that conference will take place via video, and as further specified and set forth in this Order. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Defendant. SO ORDERED. (Denying <u>30</u> Motion to Stay). (Signed by Judge John P. Cronan on 1/19/2021). (rjm) Transmission to Docket Assistant Clerk for processing. (Entered: 01/19/2021) |
| 01/19/2021 | | Set/Reset Hearings: Initial Conference set for 2/10/2021 at 11:00 AM before Judge John P. Cronan. (rjm) (Entered: 01/19/2021) |
| 01/19/2021 | | Mailed a copy of <u>32</u> Order on Motion to Stay, to Clement Mosseri at 7 West 21st Street, Apartment #1708, New York, NY 10010. (dsh) (Entered: 01/19/2021) |
| 01/25/2021 | <u>33</u> | ORDER GRANTING IFP APPLICATION: It is unclear from the docket whether Defendant's motion to proceed in forma pauperis remains pending. See Dkt. 3. In the interests of clarity, the Court grants Defendant leave to proceed in this Court without prepayment of fees. See 28 U.S.C. § 1915. SO ORDERED. |

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| | | (Signed by Judge John P. Cronan on 1/25/2021) (rjm) (Entered: 01/25/2021) |
| 01/25/2021 | <u>34</u> | REPLY TO YOUR PROPOSAL FOR ACCOMMODATIONS UNDER ADA. Document filed by Clement Mosseri. (sc) (Entered: 01/26/2021) |
| 01/25/2021 | <u>36</u> | NOTICE OF APPEAL from <u>32</u> Order on Motion to Stay. Document filed by Clement Mosseri. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp) (Entered: 01/28/2021) |
| 01/27/2021 | <u>35</u> | MEMO ENDORSEMENT on re: <u>34</u> Reply filed by Clement Mosseri, ENDORSEMENT: The Conference scheduled for February 10, 2021, at 11:00 a.m. is hereby adjourned sine die. Pursuant to the Court's Order dated January 4, 2021, Dkt. 29, Plaintiff's motion to remand is due on January 29, 2021. Defendant's opposition will be due February 26, 2021. Plaintiff's reply due March 12, 2021. The Clerk of Court is respectfully directed to mail a copy of this Order to Defendant. SO ORDERED. (Signed by Judge John P. Cronan on 1/27/2021) (Motions due by 1/29/2021., Responses due by 2/26/2021, Replies due by 3/12/2021.) (ks) Transmission to Docket Assistant Clerk for processing. (Entered: 01/27/2021) |
| 01/28/2021 | | Mailed a copy of <u>35</u> Memo Endorsement, Set Deadlines, to Clement Mosseri at 7 West 21st Street, Apartment #1708, New York, NY 10010. (dsh) (Entered: 01/28/2021) |
| 01/28/2021 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>36</u> Notice of Appeal. (tp) (Entered: 01/28/2021) |
| 01/28/2021 | | Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>36</u> Notice of Appeal filed by Clement Mosseri were transmitted to the U.S. Court of Appeals. (tp) (Entered: 01/28/2021) |
| 01/29/2021 | <u>37</u> | MOTION to Remand <i>this Action back to the Civil Court of the City of New York, County of New York, including the following documents: Notice of Motion to Remand; Supporting Certification of Jeffrey C. Chancas, Esq.; Exhibit A (Civil Court Petition in the Summary Proceeding); Exhibit B (Affidavit of Service of the Petition in Civil Court); Exhibit C (Defendant's December 24, 2018 E-Mail to Robert Goldstein, Esq.); Exhibit D (Defendant's Answer to the Petition in the Summary Proceeding); Exhibit E (Defendant's Motion to Dismiss the Summary Proceeding); Exhibit F (the Civil Court's Decision and Order Granting Plaintiff's Motion to Amend the Petition in the Summary Proceeding and the Amended Petition); Exhibit G (Defendant's Motion for an Order Directing the Clerk of the Civil Court to Transfer the Civil Court Proceeding to this Court, the Notice of Removal and Defendant's Affirmation of Service, all of which Documents are also in [ECF #2]); Exhibit H (the Civil Court Clerk's Case Summary for the Summary Proceeding); and Exhibit I (E-Mails from Civil Court Judge Marcia Sikowitz to Lawrence Goldstein, Esq.).</i> Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 01/29/2021) |
| 02/03/2021 | <u>38</u> | AFFIDAVIT OF SERVICE of Plaintiff's Motion to Remand this Action back to Civil Court, New York County served on Clement Mosseri on January 29, |

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| | | 2021. Service was made by Fed Ex Overnight Mail. Document filed by 7 West 21 LI LLC..(Chancas, Jeffrey) (Entered: 02/03/2021) |
| 02/08/2021 | <u>39</u> | NOTICE OF APPEAL from <u>35</u> Memo Endorsement, Set Deadlines. Document filed by Clement Mosseri. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp) (Entered: 02/09/2021) |
| 02/09/2021 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>39</u> Notice of Appeal. (tp) (Entered: 02/09/2021) |
| 02/09/2021 | | Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>39</u> Notice of Appeal filed by Clement Mosseri were transmitted to the U.S. Court of Appeals. (tp) (Entered: 02/09/2021) |
| 04/01/2021 | <u>40</u> | MANDATE of USCA (Certified Copy) as to <u>22</u> Notice of Appeal filed by Clement Mosseri, <u>36</u> Notice of Appeal filed by Clement Mosseri, <u>39</u> Notice of Appeal filed by Clement Mosseri, <u>31</u> Notice of Appeal filed by Clement Mosseri. USCA Case Number 20-3647 (L), 21-94 (Con), 21-180 (Con), 21-293 (Con). Appellant, pro se, moves for in forma pauperis status, a stay of district court proceedings, and other relief. This Court has determined sua sponte that it lacks jurisdiction over these appeals because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. See Petrello v. White, 533 F.3d 110, 113 (2d Cir. 2008). Upon due consideration, it is hereby ORDERED that the appeals are DISMISSED. It is further ORDERED that Appellant's motions are DENIED as moot.. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 04/01/2021..(nd) (Entered: 04/01/2021) |

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