

APPENDIX A

E.D.N.Y.-C.: Islip

22-cv-1297 Seybert, 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 8th day of January, two thousand twenty-five.

Present: John M. Walker, Jr.,
Beth Robinson
Sarah A. L. Merriam,
Circuit Judges.

In Re: Raymond J. Fallica, *Petitioner.*

Raymond J. Fallica,

Petitioner,

24-2346

v.

Bank of America, et al., *Respondents.*

Petitioner, pro se, has filed a petition for a writ of mandamus directing the district court to vacate its Order dismissing his complaint and compelling a prosecution. He also moves for an injunction to prevent his eviction and for a show cause hearing. Upon due consideration, it is ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that he lacks an adequate, alternative means of obtaining relief, that his right to the writ is clear and indisputable, and that granting the writ is appropriate under the circumstances. See *Cheney v. US. Dist. Ct. for D.C.*, 542 U.S. 367, 380-81 (2004). It is further ORDERED that the remaining motions are DENIED as moot.

FOR THE COURT:


Catherine O'Hagan Wolfe, Clerk of Court



APPENDIX B

**UNITED STATES DISTRICT
COURT EASTERN DISTRICT
OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: STEVEN I. LOCKE

DATE: 2/14/2023 TIME: 12:00
pm

U.S. MAGISTRATE

JUDGE

CASE: CV 22-1297(JS) Fallica v. Bank of

FTR:

America et al TYPE OF CONFERENCE:

INITIAL APPEARANCES:

For Plaintiff: Raymond Fallica

(pro se)

For Defendant: Keith Abrahamson (Frankel Lambert Weiss Weisman & Gordon)

Omar Mulamekic (Reverse Mortgage Solutions)

Todd Marks (Web Title)

Helena Lynch (N YS)

Joseph Battista (RAS Legal Group)

Jason Lipton (Bank of America)

Harry Demiriz (Monica Tarantino)

THE FOLLOWING RULINGS WERE MADE:

- ☐ Scheduling Order entered.
- ☐ The court has adopted and So Ordered the joint proposed scheduling order submitted by the parties.
- ☐ The Joint Pretrial Order is accepted for filing and the action is deemed ready for trial. The action will be tried in accordance with the discretion and the trial calendar of the District Judge.
- ☒ Other: Initial scheduling conference held. For the reasons set forth on the record, discovery is stayed until Judge Seybert renders her decision(s) on the various motions to dismiss. Defendant Bank of America is directed to serve a copy of this order on Plaintiff.

SO ORDERED

/s/Steven I. Locke

STEVEN I. LOCKE

United States Magistrate Judge

APPENDIX C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
RAYMOND J. FALLICA, Plaintiff,
- against -

JUDGMENT
CV 22-1297 (JS) (SIL)

BANK OF AMERICA;
REVERSE MORTGAGE SOLUTIONS;
MONICA TARANTINO;
RAS LEGAL GROUP;
FRENKEL LAMBERT WEISS WEISMAN & GORDON LLC;
WEB TITLE;
NEW YORK STATE,
-----X
Defendants

An Electronic Order of Honorable Joanna Seybert, United States District Judge, having been filed on August 11, 2023, (1) adopting the June 1, 2023 Report and Recommendation of United States Magistrate Steven I. Locke its entirety, (2) granting Defendants Bank of America, Reverse Mortgage Solutions, Frenkel Lambert Weiss Weisman & Gordon LLP, and RAS Legal Group's consolidated motion to dismiss with prejudice, (3) granting Defendant New York State's motion to dismiss with prejudice, (4) granting Defendant Web Title's motion to dismiss with prejudice, and (5) denying Plaintiffs motion to file a second amended complaint; and a Memorandum and Order of Honorable Joanna Seybert, United States District Judge, having been filed on August 15, 2023, and denying Plaintiffs motion for reconsideration; and an Electronic Order of Honorable Joanna Seybert, United States District Judge, having been filed on October 3, 2023, (1) granting Plaintiff's motion for reconsideration, (2) adhering to its earlier rulings, (3) directing the Clerk of the Court to enter judgment accordingly and mark this case closed, and (4) denying *in forma pauperis* status for the purpose of any appeal, it is

ORDERED AND ADJUDGED that Plaintiff Raymond J. Fallica take nothing of Defendants Bank of America, Reverse Mortgage Solutions, Monica Tarantino, RAS Legal Group, Frenkel Lambert Weiss Weisman & Gordon LLP, Web Title, and New York State; that Defendants Bank of America, Reverse Mortgage Solutions, Frenkel Lambert Weiss Weisman & Gordon LLP, and RAS Legal Group's consolidated motion to dismiss, New York State's motion to dismiss, and Defendant Web Title's motion to dismiss are granted with prejudice; that Plaintiffs motion to file a second amended complaint is denied; that informa pauperis status is denied for the purpose of any appeal; and that this case is closed.

Dated: October 5, 2023

Central Islip, New York

By: BRENNAB. MAHONEY
CLERK OF COURT

/s/ James J. Toritto
Deputy Clerk

APPENDIX D

EXHIBIT 1

Letter dated June 7, 1996
Letter is on Government letterhead, Kmgs Point
Merchant Marine Academy
Letter was faxed to Fallica Administrator for DOD
contractor Cheryl A. Wolf aka Architectural Designs
Under No bid contract signed off by
USMMA Athletic Director Ms. Lubow
For the USMMA Brooks field house CCF NAFI
project Letter states "there is no COTR or COR - it's
just me

Letter dated June 10 1996
Letter is on Government letterhead, Kings Point
Merchant, Marine Academy
Letter was faxed to Fallica Administrator for DOD
contractor Cheryl A. Wolf aka Architectural Designs
Under No bid contract signed off by USMMA Athletic
Director Ms. Lubow
For the USMMA Brooks field house CCF NAFI project
Letter states "Sue Petersen Lubow is the primary
contractor
for the field house project

Two pages of evidence with cover page total (3 pages)

Jun-07-1996 16:07

KINGS POINT ATHLETICS

516 773 5469

P.01

KINGS POINT

United States Merchant Marine Academy

Susan Petersen Lubow
Director of Athletics

June 7, 1996

Ray Fallica
Architectural Designs
7 Dosoris Lane Glen
Cove NY 11542

Dear Ray

I really don't understand your letter

First, there is no COTR or COR - it's just me.

Secondly, before I give you permission to "seek additional funding" I need to know who you plan on approaching.

Thirdly, I realized that all the renovations exceeds the \$65,000 we have. This is why I need to see the pricing so that I can prioritize what is to be done as well as try and get academy personnel to do some of the work for no charge.

Please call me ASAP

Thank you


Susan Petersen Lubow
Director of Athletics

O'HARA HALL KINGS POINT. NEW YORK 11024 (516) 773-5859 FAX (516) 773-5469

Jun-12-1996 16:27

KINGS POINT ATHLETICS

516 773 5469 P. 01

KINGS POINT

United States Merchant Marine Academy

Susan Petersen Lubow
Director of Athletics

Ray Fallica
Architectural Designs
7 Dosoris Lane
Glen Cove, NY 11542

June 10, 1996

Dear Ray,

As per Sue Petersen Lubow, I am confirming the
information that you fax to us on June 7, 1996
Sue Petersen Lubow is the primary contracror for the Field House
Project and is requesting that all informantion for field house be
submitted to here asap for her review
If you need any further information please call us.

Thank you,



Maureen Allen for
Sue Petersen Lubow

O'HARA HALL KINGS POINT. NEW YORK 11024 (516) 773-5859 FAX (516) 773-5469

