

Supreme Court of the State of New York
County of Nassau

**YOSSEF KAHLON a/k/a JOSSEF KAHLON and
ATLAS SOLAR HOLDINGS LLC,**

Plaintiffs,

Index No.: 607456/2016

-against-

NOTICE OF APPEAL

**MICHAEL V. DeSANTIS, ESQ. and KAUFMAN
DOLOWICH VOLUCK LLP**

Defendants.

PLEASE TAKE NOTICE that Plaintiffs Yossef Kahlon a/k/a Jossef Kahlon and Atlas Solar Holdings LLC hereby appeal to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, from: i) the Short Form Order of the Honorable Timothy S. Driscoll, Justice of the Supreme Court of the State of New York, County of Nassau, dated June 12, 2017 and entered on June 15, 2017, a copy of which is annexed hereto, which granted Defendants Michael V. DeSantis, Esq. and Kaufman Dolowich Voluck LLP's Motion to Dismiss Plaintiffs' Verified Complaint; (ii) the Judgment of the Office of the County Clerk for the County of Nassau, dated June 20, 2017 and entered on June 20, 2017, a copy of which is annexed hereto, which dismissed Plaintiffs' Verified Complaint and awarded costs to Defendants Michael V. DeSantis, Esq. and Kaufman Dolowich Voluck LLP in the amount of \$340.00; and from each and every part of the Short Form Order and Judgment and from the whole thereof.

Dated: July 13, 2017
Great Neck, New York



The Law Firm of Elias C. Schwartz PLLC

By: Keri A. Joeckel

Attorneys for Plaintiff

Yossef Kahlon a/k/a Jossef Kahlon

and Atlas Solar Holdings LLC

343 Great Neck Road

Great Neck, New York 11021

(516) 487-0175

To: **L'Abbate, Balkan, Colavita & Contini, LLP**

Attorneys for Defendants

Michael V. DeSantis and

Kaufman Dolowich Voluck LLP

1001 Franklin Avenue

Garden City, New York 11530

(516) 394-8844

Clerk of the Supreme Court of the State of New York

County of Nassau

240 Old Country Road

Mineola, New York 11501

Supreme Court of the State of New York
Appellate Division : Second Judicial Department

Form A - Request for Appellate Division Intervention - Civil

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

YOSSEF KAHLON a/k/a JOSSEF KAHLON and
 ATLAS SOLAR HOLDINGS LLC

Plaintiffs,

-against-

MICHAEL V. DeSANTIS, ESQ. and
 KAUFMAN DOLOWICH VOLUCK LLP,

Defendants.

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type	<input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	Filing Type	<input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR 5704 Review
<input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration		<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceeding	
Nature of Suit: Check up to five of the following categories which best reflect the nature of the case.			
A. Administrative Review	D. Domestic Relations	F. Prisoners	I. Torts
<input type="checkbox"/> 1 Freedom of Information Law <input type="checkbox"/> 2 Human Rights <input type="checkbox"/> 3 Licenses <input type="checkbox"/> 4 Public Employment <input type="checkbox"/> 5 Social Services <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 Adoption <input type="checkbox"/> 2 Attorney's Fees <input type="checkbox"/> 3 Children - Support <input type="checkbox"/> 4 Children - Custody/Visitation <input type="checkbox"/> 5 Children - Terminate Parental Rights <input type="checkbox"/> 6 Children - Abuse/Neglect <input type="checkbox"/> 7 Children - JD/PINS <input type="checkbox"/> 8 Equitable Distribution <input type="checkbox"/> 9 Exclusive Occupancy of Residence <input type="checkbox"/> 10 Expert's Fees <input type="checkbox"/> 11 Maintenance/Alimony <input type="checkbox"/> 12 Marital Status <input type="checkbox"/> 13 Paternity <input type="checkbox"/> 14 Spousal Support <input type="checkbox"/> 15 Other	<input type="checkbox"/> 1 Discipline <input type="checkbox"/> 2 Jail Time Calculation <input type="checkbox"/> 3 Parole <input type="checkbox"/> 4 Other G. Real Property <input type="checkbox"/> 1 Condemnation <input type="checkbox"/> 2 Determine Title <input type="checkbox"/> 3 Easements <input type="checkbox"/> 4 Environmental <input type="checkbox"/> 5 Liens <input type="checkbox"/> 6 Mortgages <input type="checkbox"/> 7 Partition <input type="checkbox"/> 8 Rent <input type="checkbox"/> 9 Taxation <input type="checkbox"/> 10 Zoning <input type="checkbox"/> 11 Other	<input type="checkbox"/> 1 Assault, Battery, False Imprisonment <input type="checkbox"/> 2 Conversion <input type="checkbox"/> 3 Defamation <input type="checkbox"/> 4 Fraud <input type="checkbox"/> 5 Intentional Infliction of Emotional Distress <input type="checkbox"/> 6 Interference with Contract <input type="checkbox"/> 7 Malicious Prosecution/Abuse of Process <input checked="" type="checkbox"/> 8 Malpractice <input type="checkbox"/> 9 Negligence <input type="checkbox"/> 10 Nuisance <input type="checkbox"/> 11 Products Liability <input type="checkbox"/> 12 Strict Liability <input type="checkbox"/> 13 Trespass and/or Waste <input checked="" type="checkbox"/> 14 Other
B. Business & Other Relationships			
<input type="checkbox"/> 1 Partnership/Joint Venture <input type="checkbox"/> 2 Business <input type="checkbox"/> 3 Religious <input type="checkbox"/> 4 Not-for-Profit <input type="checkbox"/> 5 Other			
C. Contracts	E. Miscellaneous	H. Statutory	J. Wills & Estates
<input type="checkbox"/> 1 Brokerage <input type="checkbox"/> 2 Commercial Paper <input type="checkbox"/> 3 Construction <input type="checkbox"/> 4 Employment <input type="checkbox"/> 5 Insurance <input type="checkbox"/> 6 Real Property <input type="checkbox"/> 7 Sales <input type="checkbox"/> 8 Secured <input checked="" type="checkbox"/> 9 Other	<input type="checkbox"/> 1 Constructive Trust <input type="checkbox"/> 2 Debtor & Creditor <input type="checkbox"/> 3 Declaratory Judgment <input type="checkbox"/> 4 Election Law <input type="checkbox"/> 5 Notice of Claim <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 City of Mount Vernon Charter §§ 120, 127-f, or 129 <input type="checkbox"/> 2 Eminent Domain Procedure Law § 207 <input type="checkbox"/> 3 General Municipal Law § 712 <input type="checkbox"/> 4 Labor Law § 220 <input type="checkbox"/> 5 Public Service Law §§ 128	<input type="checkbox"/> 1 Accounting <input type="checkbox"/> 2 Discovery <input type="checkbox"/> 3 Probate/Administration <input type="checkbox"/> 4 Trusts <input type="checkbox"/> 5 Other

Appeal

Paper Appealed From (check one only):

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Amended Decree | <input type="checkbox"/> Determination | <input type="checkbox"/> Order | <input type="checkbox"/> Resettled Order |
| <input type="checkbox"/> Amended Judgment | <input type="checkbox"/> Finding | <input checked="" type="checkbox"/> Order & Judgment | <input type="checkbox"/> Ruling |
| <input type="checkbox"/> Amended Order | <input type="checkbox"/> Interlocutory Decree | <input type="checkbox"/> Partial Decree | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Decision | <input type="checkbox"/> Interlocutory Judgment | <input type="checkbox"/> Resettled Decree | |
| <input type="checkbox"/> Decree | <input type="checkbox"/> Judgment | <input type="checkbox"/> Resettled Judgment | |

Court: Supreme

County: Nassau

Dated: June 12, 2017 / June 20, 2017

Entered: June 15, 2017 / June 20, 2017

Judge (name in full): Hon. Timothy S. Driscoll

Index No.: 607456/2016

Stage: ☐ Interlocutory ☒ Final ☐ Post-FinalTrial: ☐ Yes ☒ No If Yes: ☐ Jury ☐ Non-Jury

Prior Unperfected Appeal Information

Are any unperfected appeals pending in this case? ☐ Yes ☒ No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals? ☐ Yes ☐ No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:

Original Proceeding

Commenced by: ☐ Order to Show Cause ☐ Notice of Petition ☐ Writ of Habeas Corpus

Date Filed:

Statute authorizing commencement of proceeding in the Appellate Division:

Proceeding Transferred Pursuant to CPLR 7804(g)

Court:

County:

Judge (name in full):

Order of Transfer Date:

CPLR 5704 Review of Ex Parte Order

Court:

County:

Judge (name in full):

Dated:

Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

Plaintiffs Yossef Kahlon a/k/a Jossef Kahlon and Atlas Solar Holdings, LLC appeal from the Short Form Order of Hon. Timothy S. Driscoll dated June 12, 2017, and entered June 15, 2017, which granted Defendants Michael V. DeSantis, Esq. and Kaufman Dolowich Voluck LLP's Motion to Dismiss Plaintiffs' Verified Complaint and from the Judgment dated and entered June 20, 2017, which dismissed Plaintiffs' Verified Complaint and awarded costs to Defendants Michael V. DeSantis, Esq. and Kaufman Dolowich Voluck LLP in the amount of \$340.00..

Amount: If an appeal is from a money judgment, specify the amount awarded.

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.

Whether the Court below erred in granting Defendants' Motion to Dismiss Plaintiffs' Verified Complaint.

Whether the Court below erred in granting a Judgment in favor of Defendants dismissing Plaintiffs' Verified Complaint and awarding Defendants a Bill of Costs in the amount of \$340.00.

Issues Continued:

Use Form B for Additional Appeal Information

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, defendant third-party plaintiff, third-party defendant, and intervenor. Examples of a party's Appellate Division status include: appellant, respondent, appellant-respondent, respondent-appellant, petitioner, and intervenor.

No.	Party Name	Original Status	Appellate Division Status
1	Yossef Kahlon a/k/a Jossef Kahlon	Plaintiff	Appellant
2	Atlas Solar Holdings, LLC	Plaintiff	Appellant
3	Michael V. DeSantis, Esq.	Defendant	Respondent
4	Kaufman Dolowich Voluck LLP	Defendant	Respondent
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