

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

MATT PINSKI,

Plaintiff

Index No. 62196/2015

-against-

NOTICE OF APPEAL

**SANTOREN INC., and
TOMAS LESZCZYNSKI,**

Defendants.

Please take notice that Tomas Leszczynski, the undersigned Defendant, hereby appeals to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, from a judgment entered by Hon. Terry Jane Ruderman, J.S.C., on October 27, 2017, with the Notice of Entry of this judgement on October 30, 2017, of the Supreme Court of the State of New York, County of Westchester.

Dated: November 26, 2017

San Diego, California



Tomas Leszczynski, Defendant

7770 Regents Rd, Suite 113-268

San Diego, CA 92122

914-255-2414 Cell

To:

Clerk of the Trial Court
Supreme Court of the State of New York
County of Westchester.

Tomas Leszczynski, Defendant, Appellant

7770 Regents Rd, Suite 113-268

San Diego, CA 92122

914-255-2414 Cell

Matt Pinski, Plaintiff, Respondent

represented by James Keneally

Harris, St. Laurent & Chaudhry LLP

40 Wall Street, 53 Fl

New York, NY 10005

(212) 785-5552

**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.

MATT PINSKI,

Plaintiff,
-against-
SANTOREN INC. and
TOMAS LESZCZYNSKI,

Defendants

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type <input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration		<input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding		Filing Type <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceeding		<input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR 5704 Review	
Nature of Suit: Check up to five of the following categories which best reflect the nature of the case.							
A. Administrative Review <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		D. Domestic Relations <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		F. Prisoners <input type="checkbox"/> 1 Discipline <input type="checkbox"/> 2 Jail Time Calculation <input type="checkbox"/> 3 Parole <input type="checkbox"/> 4 Other		I. Torts <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 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 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		E. Miscellaneous <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		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		J. Wills & Estates <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	
C. Contracts <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		H. Statutory <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 or 170 <input type="checkbox"/> 6 Other					

Appeal	
Paper Appealed From (check one only):	
<input type="checkbox"/> Amended Decree	<input type="checkbox"/> Determination
<input type="checkbox"/> Amended Judgment	<input type="checkbox"/> Finding
<input type="checkbox"/> Amended Order	<input type="checkbox"/> Interlocutory Decree
<input type="checkbox"/> Decision	<input type="checkbox"/> Interlocutory Judgment
<input type="checkbox"/> Decree	<input checked="" type="checkbox"/> Judgment
<input type="checkbox"/> Order	<input type="checkbox"/> Resettled Order
<input type="checkbox"/> Order & Judgment	<input type="checkbox"/> Ruling
<input type="checkbox"/> Partial Decree	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Resettled Decree	
<input type="checkbox"/> Resettled Judgment	
Court: SUPREME COURT OF STATE OF NY	County: WESTCHESTER
Dated: OCTOBER 27, 2017	Entered: OCTOBER 30, 2017
Judge (name in full): TERRY JANE RUDERMAN	Index No.: 0062196/2015
Stage: <input type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
Prior Unperfected Appeal Information	
Are any unperfected appeals pending in this case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals? <input type="checkbox"/> Yes <input type="checkbox"/> No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:	
Original Proceeding	
Commenced by: <input type="checkbox"/> Order to Show Cause <input checked="" type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed: 11-27-2017
Statute authorizing commencement of proceeding in the Appellate Division: CPLR 5515	
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	
<p>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.</p> <p style="text-align: center;">Appeal of the Judgment of October 27, 2017, entered on October 30, 2017</p>	
Amount:	If an appeal is from a money judgment, specify the amount awarded. \$1,388,501.45
Issues:	Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.
	Unreasonable verdict given the evidence presented
	Racial and ethnic discrimination of Jurors during the jury selection by James Kenneally
	Undue influence of Jurors by James Kenneally during the trial
	Violation of Defendant's pro-se rights by James Kenneally
	Abuse of power by James Kenneally
	Exclusion of Defendant's evidence during trial

Issues Continued:

Excessive damages
 New evidence not available during trial

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	TOMAS LESZCZYNSKI	DEFENDANT	APPEALANT
2	MATT A PINSKI	PLAINTIFF	RESPONDENT
3			
4			
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Attorney Information

Instructions: Fill in the names of the attorneys or firms of attorneys for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be

provided.

In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: TOMAS LESZCZYNSKI

Address: 7770 REGENTS ST, 113-268

City: SAN DIEGO State: CA Zip: 92122 Telephone No.: 914-255-2414

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C): 1

Attorney/Firm Name: JAMES KENEALLY / HARRIS, ST LAURENT & CHAUDRHY LLP

Address: 40 WALL STREET, 53 FL

City: NEW YORK State: NY Zip: 10005 Telephone No.: 212-785-5552

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C): 2

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Use Form C for Additional Party and/or Attorney Information

The use of this form is explained in § 670.3 of the rules of the Appellate Division, Second Department (22 NYCRR 670.3). If this form is to be filed for an appeal, place the required papers in the following order: (1) the Request for Appellate Division Intervention [Form A, this document], (2) any required Additional Appeal Information Forms [Form B], (3) any required Additional Party and Attorney Information Forms [Form C], (4) the notice of appeal or order granting leave to appeal, (5) a copy of the paper or papers from which the appeal or appeals covered in the notice of appeal or order granting leave to appeal is or are taken, and (6) a copy of the decision or decisions of the court of original instance, if any.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

Index No. 0062196/2015

MATT PINSKI,

Plaintiff,

NOTICE OF ENTRY

-against-

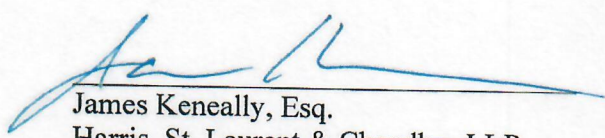
SANTOREN INC. and
TOMAS LESZCZYNSKI,

Defendants.

-----X

PLEASE TAKE NOTICE that attached hereto is a true copy of a Judgment dated entered in the Office of the County Clerk of Westchester County on October 27, 2017.

Dated: New York, New York
October 30, 2017



James Keneally, Esq.
Harris, St. Laurent & Chaudhry LLP
40 Wall Street, 53rd Floor
New York, NY 10005
(212) 785-5552
Attorneys for Plaintiff

TO:

Mr. Tomas Leszczynski
7770 Regents Road
Suite 113-268
San Diego, California 92122

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

MATT PINSKI,

Index No. 0062196/2015

Plaintiff,

JUDGMENT

-against-

SANTOREN INC. and
TOMAS LESZCZYNSKI,

Assigned Justice:
Hon. Terry Jane Ruderman

Defendants.

-----X

The issues in this action having come on for a trial before a jury and the Honorable Terry Jane Ruderman at a trial part of the Supreme Court, held in and for the County of Westchester, at the courthouse located at 111 Dr. Martin Luther King, Jr. Boulevard, White Plains, New York, 10601, from September 26th through September 29th, 2017, and the Plaintiff, Matt Pinski, having appeared through his attorney, James Keneally, Esq., of Harris, St. Laurent & Chaudhry LLP, 40 Wall Street, 53rd Floor, New York, New York, 10005, and Defendant Tomas Leszczynski, whose last known mailing address is 7770 Regents Road, Suite 113-268, San Diego, California 92122, having appeared pro se, and Defendant Santoren Inc. having not appeared at trial,

AND the jury having returned a verdict on September 29, 2017 in favor of the Plaintiff, Matt Pinski, and against defendant Tomas Leszczynski, finding Defendant Tomas Leszczynski liable on all three causes of action, and said verdict further finding Defendant Tomas Leszczynski liable to Plaintiff Matt Pinski for damages in the principal amount of Nine hundred and ten thousand dollars and no cents (\$910,000.00),

NOW, on the application of James Keneally, Esq., attorney for Plaintiff Matt Pinski, it is

ADJUDGED, that Plaintiff, Matt Pinski, have judgment and do recover against Defendant Tomas Leszczynski in the amount of nine hundred and ten thousand dollars and no cents (\$910,000.00), together with interest at 9% from January 1, 2012, in the sum of \$477,039.45 making a total sum of \$1,387,039.45

AND IT IS NOW ORDERED, that Plaintiff Matt Pinski is awarded costs in the amount of \$700.00 and disbursements necessarily incurred and reasonable in amount, in the amount of \$762.00 for a total award of \$1,388,501.45 (One Million, Three Hundred Eighty Eight Thousand, Five Hundred One Dollars and Forty Five Cents) and it is further

ADJUDGED that the Clerk of Westchester County enter judgment as set forth herein.

Dated: White Plains, NY
October 25, 2017

ENTER,
Terry Jane Ruderman
TERR JANE RUDERMAN, J.S.C.
HON. TERRY JANE RUDERMAN
SUPREME COURT JUSTICE

Terry Jane Ruderman
10-27-2017

CREDITOR: MATT PINSKI
C/O ATTORNEY
40 WALL STREET
53RD FLOOR
NEW YORK, NEW YORK 10005

DEBTOR: TOMAS LESZCZYNSKI
7770 REGENTS ROAD
SUITE 113-268
SAN DIEGO, CALIFORNIA 92122

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

MATT PINSKI,

Index No. 0062196/2015

Plaintiff,

BILL OF COSTS

-against-

SANTOREN INC. and
TOMAS LESZCZYNSKI,

Assigned Justice:
Hon. Terry Jane Ruderman

Defendants.

-----X

COSTS

Costs before Note of Issue (CPLR 8201(1))	\$200.00
Costs after Note of Issue (CPLR 8201(2))	\$200.00
Trial of Issue (CPLR 8201(3))	\$300.00
TOTAL COSTS	\$700.00

DISBURSEMENTS

Fee for Index Number (CPLR 8018(a))	\$210.00
Service of Summons and Complaint	\$317.00
Request for Judicial Intervention	\$95.00
Motion/Order to Show Cause Fees	\$45.00
Note of Issue and Jury Fees	\$95.00
TOTAL DISBURSEMENTS	\$762.00
TOTAL COSTS AND DISBURSEMENTS	\$1,462.00

NYSCEF DOC. NO. 143
NYSCEF DOC. NO. 142

RECEIVED NYSCEF: 61192772017
INDEX NO. 62196/2015
RECEIVED NYSCEF: 10/27/2017

Dated: New York, New York
October 23, 2017

James Keneally, Esq.
Harris, St. Laurent & Chaudhry LLP
40 Wall Street, 53rd Floor
New York, NY 10005
(212) 785-5552
Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

Index No. 0062196/2015

MATT PINSKI,

Plaintiff,

JUDGMENT

-against-

SANTOREN INC. and
TOMAS LESZCZYNSKI,

Assigned Justice:
Hon. Terry Jane Ruderman

Defendants.

-----X

The issues in this action having come on for a trial before a jury and the Honorable Terry Jane Ruderman at a trial part of the Supreme Court, held in and for the County of Westchester, at the courthouse located at 111 Dr. Martin Luther King, Jr. Boulevard, White Plains, New York, 10601, from September 26th through September 29th, 2017, and the Plaintiff, Matt Pinski, having appeared through his attorney, James Keneally, Esq., of Harris, St. Laurent & Chaudhry LLP, 40 Wall Street, 53rd Floor, New York, New York, 10005, and Defendant Tomas Leszczynski, whose last known mailing address is 7770 Regents Road, Suite 113-268, San Diego, California 92122, having appeared pro se, and Defendant Santoren Inc. having not appeared at trial,

AND the jury having returned a verdict on September 29, 2017 in favor of the Plaintiff, Matt Pinski, and against defendant Tomas Leszczynski, finding Defendant Tomas Leszczynski liable on all three causes of action, and said verdict further finding Defendant Tomas Leszczynski liable to Plaintiff Matt Pinski for damages in the principal amount of Nine hundred and ten thousand dollars and no cents (\$910,000.00),

NOW, on the application of James Keneally, Esq., attorney for Plaintiff Matt Pinski, it is

ADJUDGED, that Plaintiff, Matt Pinski, have judgment and do recover against Defendant Tomas Leszczynski in the amount of nine hundred and ten thousand dollars and no cents (\$910,000.00), together with interest at 9% from January 1, 2012, in the sum of \$477,039.45 making a total sum of \$1,387,039.45

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ADJUDGED that the Clerk of Westchester County enter judgment as set forth herein.

Dated: White Plains, NY
October 25, 2017

ENTER,
Terry Jane Ruderman
TERRY JANE RUDERMAN, J.S.C.
HON. TERRY JANE RUDERMAN
SUPREME COURT JUSTICE

Terry J. Ruderman
10-27-2017

CREDITOR: MATT PINSKI
C/O ATTORNEY
40 WALL STREET
53RD FLOOR
NEW YORK, NEW YORK 10005

DEBTOR: TOMAS LESZCZYNSKI
7770 RECENTS ROAD
SUITE 113-268
SAN DIEGO, CALIFORNIA 92122

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

MATT PINSKI,

Index No. 0062196/2015

Plaintiff,

BILL OF COSTS

-against-

SANTOREN INC. and
TOMAS LESZCZYNSKI,

Assigned Justice:
Hon. Terry Jane Ruderman

Defendants.

-----X

COSTS

Costs before Note of Issue (CPLR 8201(1))	\$200.00
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TOTAL COSTS	\$700.00

DISBURSEMENTS

Fee for Index Number (CPLR 8018(a))	\$210.00
Service of Summons and Complaint	\$317.00
Request for Judicial Intervention	\$95.00
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Note of Issue and Jury Fees	\$95.00
TOTAL DISBURSEMENTS	\$762.00
TOTAL COSTS AND DISBURSEMENTS	\$1,462.00

Dated: New York, New York
October 23, 2017

James Keneally, Esq.
Harris, St. Laurent & Chaudhry LLP
40 Wall Street, 53rd Floor
New York, NY 10005
(212) 785-5552
Attorneys for Plaintiff

**SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, SECOND DEPARTMENT**

MATT PINSKI, Plaintiff

-against-

**AFFIDAVIT OF
SERVICE**

**SANTOREN INC., and
TOMAS LESZCZYNSKI,**

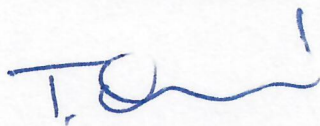
Defendants.

I, Tomas Leszczynski, the undersigned, affirm as follows under penalties of perjury:

1. On November 27, 2017 I transmitted electronically through the NYSCEF system, which constitutes a valid service, the following documents to the attorney representing Matt Pinski in this case, James Keneally:
 - a. Notice of Appeal
 - b. Copy of the Judgement
 - c. Copy of the Entry of the Judgement
 - d. Form Request for Appellate Division Intervention
 - e. This Affidavit

Dated: November 27, 2017

San Diego, California

A handwritten signature in blue ink, appearing to read 'T. Leszczynski', with a stylized flourish at the end.

Tomas Leszczynski, Defendant, Appellant

7770 Regents Rd, Suite 113-268

San Diego, CA 92122

914-255-2414 Cell