

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

AYANA RUSH, GUL MAGSOOD, ANGEL
OSMANZAI, RAHIM MAQSOOD, MOHAMMED
SHUKRAN, RITA IDAVOY, REBECCA VERNA,
BRIAN VERNA, ARIEL CROSS-EDWARDS

Plaintiffs,

-against-

SAVE MY HOME CORP., SAVE MY HOME
NOW, INC., SAVE MY HOME TODAY INC.,
SAVE MY HOME U.S.A., INC., BENJAMIN
ABRAHAM, AMIT SINGH, DANIELLE DOE,
HUMA HALIMI (a/k/a HELEN HALIMI), NAVIN
MENON (a/k/a NAVIN MENIN, a/k/a NOVIN
MENON), CHRIS MARINO, THE SELIG LAW
GROUP, P.C., EXPRESS MODIFICATIONS INC.,
DAVID GOTTERUP, EXPRESS HOME
SOLUTIONS, INC. (a/k/a EXPRESS HOME 411,
a/k/a EXPRESS DEBT SOLUTIONS), KENNETH
SAROSI, BRIAN MANGAN, MICHAEL
ANDERSON, SANDRA GONZALEZ, DELSY
VALASQUEZ, TANNIA GRIGO, MILADYS DOE,
RICHARD MASINI, EDWIN GARCIA, ROBERT
WEINREB, EMPIRE HOME SAVER
INCORPORATED (a/k/a EMPIRE HOME
SAVINGS)

Defendants.

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Index No. 003605/2011

PROPOSED ORDER
GRANTING A
PERMANENT
INJUNCTION

UPON the Complaint dated March 9, 2011, and the Order Granting Entry of Default

Judgment dated July 20th, 2011;

IT NOW APPEARS that Defendants Save My Home Corp., Save My Home Now, Inc.,
Save My Home Today Inc., Save My Home U.S.A., Inc., Benjamin Abraham, Danielle Doe,

87:01 NY 2-173-1127

Navin Menon (a/k/a Navin Menin, a/k/a Novin Menon), Chris Marino, The Selig Law Group, P.C., Express Modifications Inc., David Gotterup, Express Home Solutions, Inc. (a/k/a Express Home 411, a/k/a Express Debt Solutions), Kenneth Sarosi, Michael Anderson, Sandra Gonzalez, Delsy Valasquez, Tannia Grigo, Miladys Doe, Edwin Garcia, Empire Home Saver Incorporated (a/k/a Empire Home Savings) (collectively, the “Defaulting Defendants”) have failed to appear before this Court and have thus defaulted; it is hereby

PARTIES SUBJECT TO JUDGMENT

1. **ORDERED** that this Order shall extend to the Defaulting Defendants and their principals, directors, officers, shareholders, employees, successors, assignees and agents acting in concert or in participation with it; any corporation, company, business entity or other entity or device through which the Defaulting Defendants may now or hereafter conduct business; and any entity of which any of the Defaulting Defendants are majority owners or own, operate, manage, or control.

DEFINITIONS

2. **ORDERED** that for the purposes of this Order, the term “Mortgage Assistance Relief Services” shall mean any service, plan, or program, offered or provided to the consumer in exchange for consideration, that is represented, expressly or by implication, to assist or attempt to assist the consumer with any of the following:

- a. Stopping, preventing, or postponing any mortgage or deed of trust foreclosure sale for the consumer's dwelling, any repossession of the consumer's dwelling, or otherwise saving the consumer's dwelling from foreclosure or repossession;

- b. Negotiating, obtaining, or arranging a modification of any term of a dwelling loan, including a reduction in the amount of interest, principal balance, monthly payments, or fees;
- c. Obtaining any forbearance or modification in the timing of payments from any dwelling loan holder or servicer on any dwelling loan;
- d. Negotiating, obtaining, or arranging any extension of the period of time within which the consumer may:
 - i. Cure his or her default on a dwelling loan,
 - ii. Reinstate his or her dwelling loan,
 - iii. Redeem a dwelling, or
 - iv. Exercise any right to reinstate a dwelling loan or redeem a dwelling;
- e. Obtaining any waiver of an acceleration clause or balloon payment contained in any promissory note or contract secured by any dwelling; or
- f. Negotiating, obtaining or arranging:
 - i. A short sale of a dwelling,
 - ii. A deed-in-lieu of foreclosure, or
 - iii. Any other disposition of a dwelling other than a sale to a third party who is not the dwelling loan holder;

PERMANENT INJUNCTION

3. **ORDERED** that the Defaulting Defendants are hereby permanently enjoined
from:

- a. Marketing, advertising, offering, selling, or carrying out Mortgage Assistance Relief Services, or aiding and abetting the marketing, advertising, offering, selling, or carrying out of Mortgage Assistance Relief Services;
- b. Owning, managing, operating, creating, or assisting in the creation of any entity that markets, advertises, offers, sells, or carries out Mortgage Assistance Relief Services;
- c. Being employed by, or serving as a consultant to, any person or entity that sells or carries out Mortgage Assistance Relief Services; and
- d. Engaging in any deceptive acts and practices or false advertising in violation of New York General Business Law §§ 349 or 350, including:
 - i. Charging consumers an upfront fee for Mortgage Assistance Relief Services;
 - ii. Misrepresenting to consumers the nature and mechanics of Mortgage Assistance Relief Services;
 - iii. Falsely promising to engage in negotiations with consumers' mortgage lenders or servicers;
 - iv. Misrepresenting the progress of loan modification applications;
 - v. Falsely representing that refunds would be issued if the offered Mortgage Assistance Relief Services did not succeed;
 - vi. Encouraging consumers to stop either paying their monthly mortgage payments and/or communicating with their lenders or servicers; and
 - vii. Forming a business or organizational identity or operating as a "doing business as" organization as a method of evading consumers.

MISCELLANEOUS PROVISIONS

4. **ORDERED** that nothing in this Order shall be construed as to deprive any person of any private right under the law.

5. **ORDERED** that nothing in this injunction shall be construed as to deprive any person of any private right under the law;

6. ~~**ORDERED** that any notices, statements, or other written documents required by this Order shall be provided by first-class mail to the intended recipients at the address set forth below, unless a different address is specified in writing by the party changing such address.~~

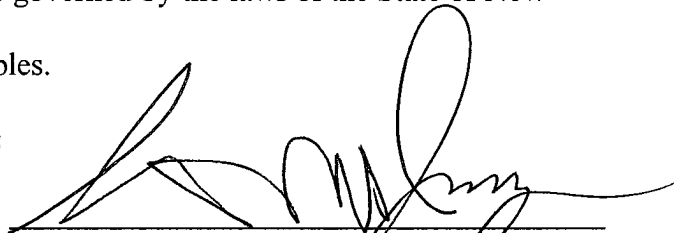
7. **ORDERED** that this Court shall retain jurisdiction of this action for the purpose of carrying out or modifying the terms of this Order or granting such further relief as the Court deems just and proper;

8. **ORDERED** that this Order shall be binding on and inure to the benefit of the parties to this ~~Consent~~ Order and their respective successors or assigns, provided that no parties, other than Plaintiffs, may assign, delegate, or otherwise transfer any of its rights or obligations under this order without the prior written consent of Plaintiffs;

9. **ORDERED** that in the event that any one or more of the provisions contained in this Order shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Order; and

10. **ORDERED** that this Order shall be governed by the laws of the State of New York without regard to any conflict of laws principles.

ENTER:



HON. STEVEN M. JAEGER, J.S.C.

ENTERED 9-14-11

SEP 14 2011

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NASSAU COUNTY
COUNTY CLERK'S OFFICE

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. STEVEN M. JAEGER,
Acting Supreme Court Justice

AYANA RUSH, GUL MAGSOOD, ANGEL
OSMANZAI, RAHIM MAQSOOD, MOHAMMED
SHUKRAN, RITA IDAVOY, REBECCA VERNA,
BRIAN VERNA, ARIEL CROSS-EDWARDS,

Plaintiffs,

-against-

SAVE MY HOME CORP., SAVE MY HOME
NOW, INC., SAVE MY HOME TODAY, INC.,
SAVE MY HOME U.S.A., INC., BENJAMIN
ABRAHAM, AMIT SINGH, DANIELLE DOE,
HUMA HALIMI (a/k/a HELEN HALIMI),
NAVIN MENON (a/k/a NAVIN MENIN, a/k/a
NOVIN MENON), CHRIS MARINO, THE
SELIG LAW GROUP, P.C., EXPRESS
MODIFICATIONS, INC., DAVID GOTTERUP,
EXPRESS HOME SOLUTIONS, INC. (a/k/a
EXPRESS HOME 411, a/k/a EXPRESS DEBT
SOLUTIONS), KENNETH SAROSI, BRIAN
MANGAN, MICHAEL ANDERSON, SANDRA
GONZALEZ, DELSY VALASQUEZ, TANNIA
GRIGO, MILADYS DOE, RICHARD MASINI,
EDWIN GARCIA, ROBERT WEINREB, EMPIRE
HOME SAVER INCORPORATED (a/k/a
EMPIRE HOME SAVINGS),

Defendants.

TRIAL/IAS, PART 43
NASSAU COUNTY
INDEX NO.: 003605-2011

MOTION SUBMISSION
DATE: 7-13-11

MOTION SEQUENCE
NO. 2

The following papers read on this motion:

Notice of Motion, Affirmation, and Exhibits

X

Plaintiffs' motion for an order pursuant to CPLR 3215 granting default judgment
in favor of plaintiffs on each cause of action against all defaulting defendants is
determined as set forth below.

This action was commenced on March 9, 2011. The complaint alleges ten separate causes of action against the defendants: violation of Banking Law §590, violation of RPL §265-b, breach of contract, common law fraud, fraudulent inducement, fraudulent concealment, civil conspiracy to commit fraud, aiding and abetting fraud, and violations of GBL §§ 349 and 350.

Plaintiffs are a group of low-to-middle income homeowners who allege they were defrauded and victimized by defendants' for-profit loan modification businesses. Defendants offer to negotiate with the homeowner's bank or mortgage lender to modify the terms of the mortgage in exchange for an "illegal" upfront fee, which they promise to return if unsuccessful.

In these transactions, defendants offered to negotiate mortgage loans for plaintiffs despite not being "mortgage brokers" as required by the Banking Law. Defendants also offered to perform "distressed property consulting services", but failed to do so in the manner required by New York Real Property Law § 265-b. In each case, Defendants breached their contract with Plaintiffs by failing to perform the services required and/or by refusing to provide the full or partial refund that had been previously promised. Further, Defendants engaged in a scheme to defraud Plaintiffs by misrepresenting, concealing, or omitting information regarding the services Defendants promised to perform.

In each case, Defendants refused to refund the homeowner's money as promised when the homeowner realized he or she had been victimized.

All defendants except Huma Halimi (a/k/a Helen Halimi), Amit Singh, and Richard Masini were properly served with copies of the Summons and Complaint

pursuant to the applicable sections of CPLR Article 3, namely §308 or 311 (See Exhibit S to the Affidavit of Hyon Min Rhu sworn to on June 16, 2011). Defendant Brian Mangan filed an Answer and defendant Robert Weinreb moved to dismiss the complaint. The parties agreed to voluntarily discontinue the action against Weinreb.

In addition, on May 4, 2011, pursuant to CPLR 3215(g)(3) plaintiffs properly served an additional copy of the summons and complaint upon each natural person defendant and, pursuant to CPLR 3215(g)(4) upon each corporation defendant. To the date of the motion, the Postal Service was unable to deliver the mailings to six (6) corporate defendants and to Kenneth Sarosi. A second additional mailing was sent to Sarosi at his place of business on June 14, 2011 pursuant to CPLR 3215(g).

Thus, the Defaulting Defendants consist of all named defendants except Brian Mangan, Robert Weinreb, Huma Halimi (a/k/a Helen Halimi), Amit Singh, and Richard Masini, who have failed to answer or otherwise appear in this action.

It appears from a review of the affidavits of counsel and each of the plaintiffs, as well as the documentary evidence attached, that all necessary parties have been served with notice of this application and that the relief requested is appropriate.

Accordingly, it is hereby

ORDERED, that the Plaintiffs' motion seeking an Order awarding them a default judgment against the Defaulting Defendants, pursuant to CPLR §3215, is **GRANTED**; and it is further

ORDERED, that this matter shall be set down for an inquest, subject to the approval of the Justice there presiding and provided a Note of Issue has been filed at least ten (10) days prior thereto, in the Calendar Control Part on the 12th day of

September, 2011 at 9:30 a.m. to assess the appropriate amount of damages. This directive with respect to a hearing is subject to the right of the Justice presiding in the Calendar Control Part to refer the matter to a Justice, Judicial Hearing Officer of a Court Attorney/Referee as he or she deems appropriate; and it is further

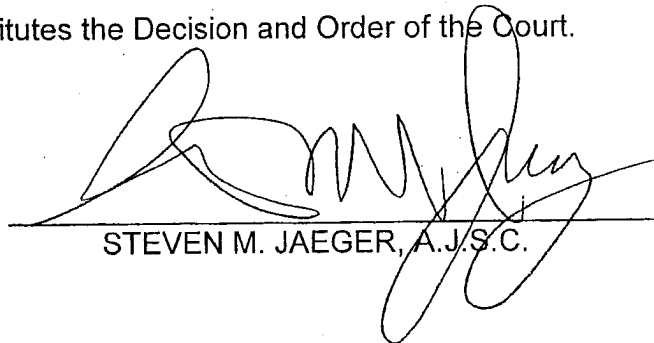
ORDERED, that the Plaintiffs' counsel shall submit a Permanent Injunction Order against the Defaulting Defendants on Notice to any party entitled to notice; and it is further

ORDERED, that a copy of this Order shall be served on the Calendar Clerk along with the Note of Issue. The failure to file a Note of Issue as directed or appear as directed may be deemed an abandonment of the claims giving rise to the hearing.

All matters not decided herein are hereby **DENIED**.

This Decision constitutes the Decision and Order of the Court.

Dated: July 20, 2011



STEVEN M. JAEGER, A.J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK

JUSTICES' CHAMBERS
MINEOLA, N.Y. 11501



U.S. POSTAGE & PITNEY

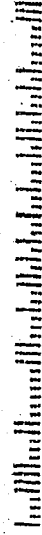


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450 Lexington Avenue
New York, NY 10017

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AYANA RUSH, GUL MAGSOOD,
ANGEL OSMANZAI, RAHIM
MAQSOOD, MOHAMMED SHUKRAN,
RITA IDAVOY, REBECCA VERNA,
BRIAN VERNA, ARIEL CROSS-
EDWARDS

Plaintiff(s),

- against -

SAVE MY HOME CORP., SAVE MY
HOME NOW, INC., SAVE MY HOME
TODAY INC., SAVE MY HOME U.S.A.,
INC., BENJAMIN ABRAHAM, AMIT
SINGH, DANIELLE DOE, HUMA
HALIMI (a/k/a HELEN HALIMI), NAVIN
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SELIG LAW GROUP, P.C., EXPRESS
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ANDERSON, SANDRA GONZALEZ,
DELSY VALASQUEZ, TANNIA GRIGO,
MILADYS DOE, RICHARD MASINI,
EDWIN GARCIA, ROBERT WEINREB,
EMPIRE HOME SAVER
INCORPORATED (a/k/a EMPIRE HOME
SAVINGS),

Defendant(s).

[PROPOSED] ORDER GRANTING A PERMANENT INJUNCTION

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450 Lexington Avenue
New York, New York 10017
(212) 450-4000

Attorneys for Plaintiffs

COUNTY CLERK OF
MASSACHUSETTS

SEP 14 2011

MASSACHUSETTS
INDEX #
FILED

11-003605



NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 09-22-2011
Recorded Time: 2:48:53 p

Record and Return To:

Liber Book:
Pages From:
To:

Control
Number: 1767
Ref #: 11--003605
Doc Type: C33 ORDER

Plnt: RUSH, AYANA
Plnt: MAGSOOD, GUL
Dfnd: SAVE MY HOME CORP
Dfnd: SAVE MY HOME NOW INC

	Taxes Total	.00
	Recording Totals	.00
AAJ001	Total Payment	.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK



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