

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

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KENNARD LAW P.C. d/b/a KENNARD LAW, and
ALFONSO KENNARD,

Index No.: 805626/2020

Plaintiffs,

-against-

ORDER

HIGH SPEED CAPITAL, LLC,

Defendants.

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Upon review and consideration of Defendant High Speed Capital, LLC (“HSC”)’s notice of motion to dismiss dated August 5, 2020 (NYSCEF Doc. 7), the affirmation in support with annexed exhibit (NYSCEF Docs. 9-10), Defendant’s Memorandum of Law (NYSCEF Doc. 8), Plaintiff’s affirmation in opposition with annexed exhibit (NYSCEF Docs. 13-14), Plaintiffs’ Memorandum of law in opposition (NYSCEF Doc. 15), Defendant’s Memorandum of Law in Reply (NYSCEF Doc. 16), and letter request to consider newly issued authority dated October 8, 2020 (NYSCEF Doc. 17), and:

For the reasons set forth in the Court’s memorandum dated December 4, 2020, which stated in relevant part that “The Complaint dated June 10, 2020, in this action is a challenge to a judgment by confession entered against Plaintiffs on October 25, 2017. On August 5, 2020, Defendant HSC timely moved to dismiss the Complaint on the basis that: 1) Plaintiffs’ claim of usury is barred by the one-year statute of limitations applicable to usury based claims; 2) Plaintiffs have failed to plead a cognizable cause of action upon which to seek relief; 3) Plaintiffs have no recoverable damages; and 4) Plaintiffs’ claims are barred by documentary evidence and settled law in New York holding that the parties’ underlying agreement was not a usurious loan. The motion is granted, in its entirety”;

IT IS HEREBY ORDERED that this action is dismissed in its entirety with prejudice against Plaintiff and the Clerk is directed to enter a judgment of dismissal in favor of HSC and against the Plaintiffs, KENNARD LAW P.C. d/b/a KENNARD LAW, and ALFONSO KENNARD.

Dated: Buffalo, New York
December 10, 2020



Hon. Timothy J. Walker, J.C.C., A.S.C.J.