

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILMINGTON TRUST, NATIONAL
ASSOCIATION, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF WELLS FARGO
COMMERCIAL MORTGAGE TRUST 2015-NXS2,
COMMERCIAL MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2015-NXS2,
acting by and through Rialto Capital
Advisors, LLC, as Special Servicer
under the Pooling and Servicing
Agreement dated as of July 1, 2015,

20-cv-5309 (JGK)

MEMORANDUM OPINION
AND ORDER

Plaintiff,

- against -

WINTA ASSET MANAGEMENT LLC, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

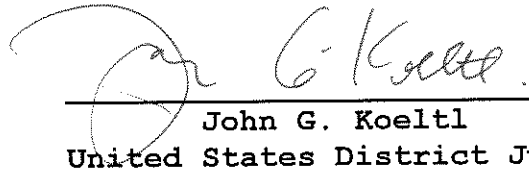
The Temporary Receiver, Ian V. Lagowitz, has moved for an order declaring that no tenancy or occupancy exists at 70 Broad Street, New York, NY 10004 ("the Property"). The Court initially granted the Temporary Receiver leave to serve this motion on the purported tenants of the Property. ECF No. 128. The Court also set a briefing schedule for the motion. The Temporary Receiver served a copy of the motion on the purported tenants, filed proof of service on the docket, and filed a copy of the motion, as served, on the docket. ECF Nos. 129-131. No oppositions were filed and the time for oppositions has passed.

In any event, the Court has reviewed the motion and concludes that there is ample basis for granting it. The Temporary Receiver has demonstrated that the Property is currently free of occupants

and is not subdivided into separate units. Accordingly, the Temporary Receiver's motion is **granted**. The Clerk is directed to close Docket Nos. 125 and 129. The Temporary Receiver should submit a proposed order by May 13, 2022.

SO ORDERED.

**Dated: New York, New York
May 6, 2022**



**John G. Koeltl
United States District Judge**