

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

605 FIFTH PROPERTY OWNER, LLC,

Plaintiff,

-against-

ABASIC, S.A.,

Defendant.

Case No. 21-cv-00811-DLC

~~PROPOSED~~ *JUDGMENT*

WHEREAS, by motion dated October 29, 2021 ("Defendant's Summary Judgment Motion"), Defendant Abasic, S.A. ("Defendant") moved for summary judgment on its affirmative defense that plaintiff 605 Fifth Property Owner, LLC's ("Plaintiff") claims were released in bankruptcy;

WHEREAS, by cross-motion dated November 12, 2021 ("Plaintiff's Cross Motion"), Plaintiff cross-moved for summary judgment on Defendant's affirmative defense that Plaintiff's claims were released in bankruptcy;

WHEREAS, by motion dated January 21, 2022 ("Plaintiff's Motion to Amend and for Summary Judgment"), Plaintiff moved to amend its complaint to conform to the proof of damages for rent accrued during litigation, and for summary judgment on its claims and to dismiss Defendant's affirmative defenses;

WHEREAS, by opinion and order dated March 8, 2022 [ECF Doc. No. 96], the Court determined the above referenced motions and denied Defendant's Summary Judgment Motion, granted Plaintiff's Cross Motion, granted Plaintiff's Motion to Amend and for Summary Judgment, and held that Defendant is liable to Plaintiff for \$2,213,009.82, as well as attorney's fees and legal costs; *and the Defendant not opposing the calculations contained herein;*

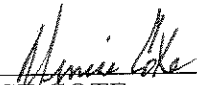
WHEREAS, attorneys' fees and expenses shall be awarded by the Court in a subsequent order;

IT IS HEREBY ORDERED, Plaintiff's second claim for relief in its Complaint for attorneys' fees and expenses is severed and will be determined by the Court by separate order and judgment; and

IT IS HEREBY ORDERED and ADJUDGED, that Judgment is entered in favor of Plaintiff 605 Fifth Property Owner, LLC, with address at 924 Bergen Avenue, Suite 513, Jersey City, New Jersey 07306, and against defendant Abasic, S.A., with address at Passeig Del Mare Nostrum 15, 08039, Barcelona, Spain, in the sum certain amount of \$2,213,009.82, with pre-judgment interest at the rate of eighteen (18%) per annum from March 15, 2021¹, in the amount of \$ 424,534.¹⁰, and costs and disbursements as taxed by the clerk; so that the amount of the judgment against Defendant Abasic, S.A. is \$ 2,637,543.⁹², and Plaintiff 605 Fifth Property Owner, LLC, shall have judgment and execution on the judgment therefor.

Dated: New York, New York

April 8, 2022



DENISE COTE
United States District Judge

¹ The explanation of Plaintiff's computation of interest charges is detailed in the Addendum – Interest Calculation, annexed hereto.