

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKJTRE MANHATTAN AVENUE LLC and
JTRE 807 MANHATTAN AVENUE LLC,

Plaintiffs,

-against-

CAPITAL ONE, N.A.,

Defendant.

Case No. 1:21-cv-5714 (JLR)

ORDER ENTERING
JUDGMENT

JENNIFER L. ROCHON, United States District Judge:


On June 27, 2024, the Court granted summary judgment in favor of Defendant as to Plaintiffs' claims against Defendant and awarded Defendant partial summary judgment on liability as to its breach of contract counterclaim against Plaintiff. Dkt. 135. The Court ordered the case to proceed to bench trial on the remaining portions of Defendant's breach of contract counterclaim, including whether Plaintiff was liable for allowing disruptive construction and the amount of compensatory damages owed Defendant. *Id.* at 34-35.

On August 21, 2024, Defendant withdrew its theory of liability relating to disruptive construction and its claim for compensatory damages. Dkt. 138 at 2. Defendant now seeks nominal damages in the amount of one dollar or as deemed appropriate by the Court as to the portion of its breach of contract counterclaim for which the Court has already awarded summary judgment in favor of Defendant. *See id.* at 2. Plaintiffs assert that the Court should still hold a trial, although it acknowledges that nominal damages may be recovered for breach of contract. Dkt. 142 at 1. Plaintiffs have not provided any basis for a trial given that Defendant seeks only nominal damages on the counterclaim for which the Court has granted summary judgment and Defendant has withdrawn its remaining counterclaims for breach of contract based on allowing disruptive construction.

Pursuant to Federal Rule of Civil Procedure 58(d), the Court now directs that final judgment be entered in this case, dismissing Plaintiffs' claims against Defendant for the reasons stated in Dkt. 135, and granting judgment in favor of Defendant and against Plaintiffs in the amount of one dollar as to Defendant's breach of contract counterclaim for Plaintiffs' failure to fix the roof of the property at issue.

Dated: September 25, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge