

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

WELLS FARGO BANK, NATIONAL ASSOCIATION, AS  
TRUSTEE FOR THE BENEFIT OF THE REGISTERED  
HOLDERS OF UBS COMMERCIAL MORTGAGE TRUST  
2018-C11, COMMERCIAL MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2018-C11,

Case No. 1:23-cv-07367-DEH

Plaintiff,

-against-

45 WEST 28<sup>TH</sup>, LLC; 47 W 28<sup>TH</sup> STREET, LLC; 51-55 W  
28<sup>TH</sup> STREET, LLC; 49 W 28<sup>TH</sup> STREET, LLC; EAST  
COAST PETROLEUM, INC.; ROCKWAY FUEL OIL CORP.;  
CITY OF NEW YORK ENVIRONMENTAL CONTROL  
BOARD; NEW YORK BUREAU OF HIGHWAY  
OPERATIONS; SGR TRUST PURSUANT TO THE TRUST  
AGREEMENT DATED JUNE 14, 2011 MADE BY  
SHOSHANA LEVY, AS GRANTOR BY AND THROUGH  
ITS TRUSTEE, ERIC GOLDBERG; GALIT LEVY;  
RAFAELA LEVY; and JOHN DOE NO. I THROUGH JOHN  
DOE NO. XXX, inclusive, the last thirty names being fictitious  
and unknown to plaintiff, the persons or parties intended being  
the tenants, occupants, persons or corporations, if any, having or  
claiming an interest in or lien upon the premises described in  
the complaint,

Defendants.

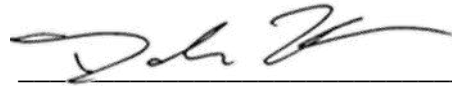
**ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE**

This matter comes before the Court on the Motion to Dismiss Without Prejudice (the “**Motion**”), filed by Plaintiff Wells Fargo Bank, National Association, as Trustee for the Benefit of the Registered Holders of UBS Commercial Mortgage Trust 2018-C11, Commercial Mortgage Pass-Through Certificates, Series 2018-C11 (“**Plaintiff**”). The Court, having considered the Motion, and Plaintiff having entered into an agreement with Defendants 45 West 28<sup>th</sup> LLC, 47 W 28<sup>th</sup> Street, LLC, 51-55 W 28<sup>th</sup> Street, LLC, and 49 W 28<sup>th</sup> Street, LLC to reinstate the mortgage

loan that is the subject of this action, and being duly advised in the matter, finds the Plaintiff's Motion is GRANTED, and the above-captioned case is dismissed without prejudice.

IT IS SO ORDERED.

Dated: February 7, 2024



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HON. DALE E HO  
U.S. DISTRICT COURT JUDGE  
New York, New York