

Reif v Nagy
2020 NY Slip Op 30063(U)
January 10, 2020
Supreme Court, New York County
Docket Number: 161799/2015
Judge: Andrew Borrok
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ANDREW BORROK PART IAS MOTION 53EFM

Justice

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INDEX NO. 161799/2015

TIMOTHY REIF, DAVID FRAENKEL, MILOS VAVRA,

MOTION DATE 10/30/2019

Plaintiff,

MOTION SEQ. NO. 012

- v -

RICHARD NAGY, RICHARD NAGY, LTD., WOMAN IN A
BLACK PINAFORE, WOMAN HIDING HER FACE,

**DECISION + ORDER ON
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 012) 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409

were read on this motion to/for SEVER ACTION.

Upon the foregoing documents and for the reasons set forth on the record (1/10/2020), the defendants’ motion to sever this action and obtain an inquest on damages, costs, and pre-judgment interest is granted in accordance with the order of New York State Supreme Court Justice Charles Ramos, dated June 5, 2018, stating that “Accordingly, Plaintiffs are entitled to damages, costs and reasonable attorneys’ fees together with pre-judgment interest running from November 13, 2015, the date of conversion, in an amount to be determined at inquest. Plaintiffs are directed to move for an inquest within sixty (60) days of entry of this order” (NYSCEF Doc. No. 308), which order was modified to deny attorneys’ fees but was otherwise affirmed by the First Department (NYSCEF Doc. No. 358). The plaintiffs’ cross-motion is denied.

Accordingly, it is

ORDERED that the defendants' motion is granted to the extent that that portion of the plaintiffs' action that seeks recovery of damages, costs, and pre-judgment interest is severed and said issue is referred to a Special Referee or JHO to hear and report, except that the parties may stipulate, as permitted by CPLR 4317, for the Special Referee, or another person designated by the parties to serve as referee, to hear and report the aforementioned issues; and it is further

ORDERED that the powers of the JHO/Special Referee shall not be limited beyond the limitations set forth in the CPLR; and it is further

ORDERED that this matter is hereby referred to the Special Referee Clerk (Room 119, 646-386-3028 or spref@nycourts.gov) for placement at the earliest possible date upon the calendar of the Special Referees Part (Part SRP), which, in accordance with the Rules of that Part (which are posted on the website of this court at www.nycourts.gov/supctmanh at the "References" link), shall assign this matter at the initial appearance to an available JHO/Special Referee to hear and report as specified above; and it is further

ORDERED that counsel shall immediately consult one another and counsel for plaintiff/petitioner shall, within 15 days from the date of this Order, submit to the Special Referee Clerk by fax (212-401-9186) or e-mail an Information Sheet (accessible at the "References" link on the court's website) containing all the information called for therein and that, as soon as practical thereafter,

the Special Referee Clerk shall advise counsel for the parties of the date fixed for the appearance of the matter upon the calendar of the Special Referees Part; and it is further

ORDERED that unless otherwise directed by the special referee or JHO, on the initial appearance in the Special Referees Part, the parties shall appear for a pre-hearing conference before the assigned JHO/Special Referee and the date for the hearing shall be fixed at that conference; the parties need not appear at the conference with all witnesses and evidence; and it is further

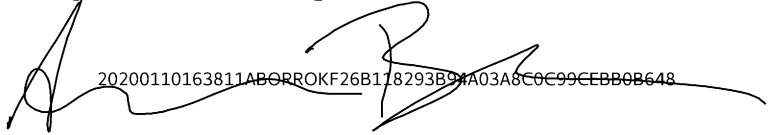
ORDERED that, except as otherwise directed by the assigned JHO/Special Referee for good cause shown, the trial of the issue(s) specified above shall proceed from day to day until completion and counsel must arrange their schedules and those of their witnesses accordingly; and it is further

ORDERED that counsel shall file memoranda or other documents directed to the assigned JHO/Special Referee in accordance with the Uniform Rules of the Judicial Hearing Officers and the Special Referees (available at the "References" link on the court's website) by filing same with the New York State Courts Electronic Filing System (see Rule 2 of the Uniform Rules); and it is further

ORDERED that any motion to confirm or disaffirm the Report of the JHO/Special Referee shall be made within the time and in the manner specified in CPLR 4403 and Section 202.44 of the Uniform Rules for the Trial Courts; and it is further

ORDERED that the plaintiffs' cross-motion is denied; and it is further

ORDERED that a status conference in this matter is set for **March 5, 2020** at **11:30 A.M.** for the parties to apprise the court of the status of the hearing before the JHO/Special Referee.



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1/10/2020

DATE

ANDREW BORROK, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED DENIED

GRANTED IN PART OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE