

NYCTL 2019-A Trust v 196 E. 7th St. LLC
2021 NY Slip Op 30082(U)
January 11, 2021
Supreme Court, New York County
Docket Number: 158758/2020
Judge: Lyle E. Frank
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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LYLE E. FRANK PART IAS MOTION 52EFM

Justice

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INDEX NO. 158758/2020
MOTION DATE 01/08/2021
MOTION SEQ. NO. 001

NYCTL 2019-A TRUST, AND THE BANK OF NEW YORK
MELLON AS COLLATERAL AGENT AND CUSTODIAN
FOR THE NYCTL 2019-A TRUST,

Plaintiff,

- v -

196 EAST 7TH STREET LLC, NEW YORK CITY
DEPARTMENT OF FINANCE, NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE, THE CITY
OF NEW YORK, NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD, JOHN DOE NO. 1 THROUGH JOHN
DOE NO. 100

DECISION + ORDER ON
MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24

were read on this motion to/for APPOINT - REFEREE

Upon the foregoing documents, based upon the Summons, Complaint and Notice of
Pendency filed in this action on October 19, 2020 and upon the Affirmation of Josef F. Abt, Esq.,
Of Counsel to the firm of BRONSTER LLP, attorneys for the Plaintiffs, dated December 9,
2020, from which it appears that this action was brought to foreclose a certain tax lien on real
property situated in the County of New York, State of New York, at 196 East 7th Street, New
York, New York., Block 389 Lot 16 (on the Tax Map of New York County) by reason of certain
defaults alleged in the Complaint and upon the Affidavit of Facts of Kurt Shadle sworn to on
November 12, 2020, and it is further appearing that all the defendants have been duly served
with a copy of the Summons and Complaint or have appeared herein, except the defendants
"JOHN DOE No.1" through "JOHN DOE No.100" who were not served copies of the Summons
and Complaint and are not necessary parties to this action, and no answer has been interposed by

defendants though the time to do so has expired; and it appearing that none of the defendants are infants, incompetent or absentee, or in the military, and that since the filing of the Notice of Pendency of this action on October 19, 2020, the complaint has not been amended in any manner whatsoever; on the pleadings heretofore filed herein and no one appearing in opposition thereto, NOW, upon motion of BRONSTER LLP, attorneys of record for Plaintiffs, it is

ORDERED, that the motion is granted without opposition; and it is further

ORDERED that a Judicial Hearing Officer (“JHO”) or Special Referee shall be designated to determine the following individual issues of fact, which are hereby submitted to the JHO/Special Referee for such purpose to ascertain and compute the amount due to plaintiffs herein for principal, interest, water and sewer rents, if any, insurance premiums, if any, advances to protect the lien of the subject tax lien certificate mentioned in the complaint and to examine and report whether or not the premises should be sold in parcels; 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 unless otherwise indicated; 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 determine 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 the plaintiff shall serve a proposed accounting within 24 days from the date of this order and the foregoing papers shall be filed with the Special Referee Clerk prior to the original appearance date in Part SRP fixed by the Clerk as set forth above; 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 a default judgment in favor of the plaintiffs be granted as to the claim described in Plaintiffs' Complaint herein; and it is further

ORDERED the caption be amended to reflect that the names of defendants "JOHN DOE No.1" through "JOHN DOE No. 100" be severed and stricken from the caption herein and that the action be discontinued as to them.

1/11/2021

DATE

LYLE E. FRANK, J.S.C.

HON. LYLE E. FRANK
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