

<b>NYCTL 2019-A Trust v 196 E. 7th St. LLC</b>
2021 NY Slip Op 30103(U)
January 13, 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*

-----X

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

Plaintiff,

INDEX NO. 158758/2020

MOTION DATE 01/08/2021

MOTION SEQ. NO. 001

- 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

**AMENDED 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, 25

were read on this motion to/for

APPOINT - REFEREE

Upon the foregoing documents, it is

ORDERED that the motion for a default judgment and to appoint a referee is granted without opposition; and it is further

ORDERED that Mark McKew with an address of 1725 York Ave Suite 29A New York, NY 10128, telephone number 212-876-6783, is hereby appointed Referee in accordance with RPAPL § 1321 to compute the amount due to Plaintiff and to examine whether the tax parcel can be sold in parcels; and it is further

ORDERED that the Referee may take testimony pursuant to RPAPL § 1321; and it is further

ORDERED that by accepting this appointment the Referee certifies that he is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not

limited to §36.2 (c) (“Disqualifications from appointment”), and §36.2 (d) (“Limitations on appointments based upon compensation”), and, if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED that, pursuant to CPLR 8003(a), and in the discretion of the court, a fee of \$350 shall be paid to the Referee for the computation of the amount due and upon the filing of his report and the Referee shall not request or accept additional compensation for the computation unless it has been fixed by the court in accordance with CPLR 8003(b); and it is further;

ORDERED that the Referee is prohibited from accepting or retaining any funds for himself or paying funds to himself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED that plaintiff shall forward all necessary documents to the Referee within 30 days of the date of this order and shall *promptly* respond to every inquiry made by the referee (promptly means within two business days); and it is further

ORDERED that plaintiff must bring a motion for a judgment of foreclosure and sale within 30 days of receipt of the referee’s report; and it is further

ORDERED that if plaintiff fails to meet these deadlines, then the Court may *sua sponte* vacate this order and direct plaintiff to move again for an order of reference and the Court may *sua sponte* toll interest depending on whether the delays are due to plaintiff’s failure to move this litigation forward; and it further

ORDERED that “John Doe No. 1” through “John Doe. No. 100” be removed as party defendants in this action and the caption of this action be amended to reflect the removal of these

defendants; and it is further

ORDERED that the caption shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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NYCTL 2019-A TRUST, 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,  
Defendant(s).

-----X

and it is further

ORDERED that counsel for plaintiff shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the General Clerk's Office (60 Centre Street, Room 119), who are directed to mark the court's records to reflect the parties being removed pursuant hereto; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address ([www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh))).

ORDERED that Plaintiff shall serve a copy of this Order with notice of entry on all parties and persons entitled to notice, including the Referee appointed herein.

1/13/2021

DATE

LF

LYLE E. FRANK, J.S.C.

CHECK ONE:

  
  
  


CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

DENIED

  
  
  


NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

**HON. LYLE E. FRANK  
J.S.C.**