JPMorgan Chase Bank, N.A. v Novicki

2021 NY Slip Op 32811(U)

December 21, 2021

Supreme Court, New York County

Docket Number: Index No. 654708/2021

Judge: Andrew Borrok

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This opinion is uncorrected and not selected for official publication.

INDEX NO. 654708/2021

RECEIVED NYSCEF: 12/21/2021

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT:	HON. ANDREW BORROK		PART	53	
		Justice			
		X	INDEX NO.	654708/2021	
JPMORGAN	CHASE BANK, N.A.,		MOTION DATE	07/30/2021	
	Plaintiff,		MOTION SEQ. NO.	001	
OF LOUIS L. CO-EXECUT JR.	- v - DVICKI, AS CO-EXECUTOR OF THI CERUZZI, JR., CHARLES A. MANT OR OF THE ESTATE OF LOUIS L. Defendant.	FELL, AS CERUZZI,	DECISION + O MOTIC		
The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 12, 13 were read on this motion to/for					
JPMorgan Ch	nase Bank, N.A.'s motion for sum	mary judgment	in lieu of complair	it, pursuant to	
CPLR 3213, a	as against David C. Novicki and C	Charles A. Man	tell, is granted as u	nopposed.	
ORDERED t	hat the Clerk is directed to enter j	udgment in favo	or of JPMorgan Ch	ase Bank, N.A.	
and against D	avid C. Novicki and Charles A. M	Mantell, jointly	and severally, in th	e amount of	
\$556,042.86,	plus per diem interest of \$4.12 fr	om July 15, 202	21 until the date of	entry of	
judgment; and	d it is further				
ORDERED ti	hat the Clerk is directed to enter j	udgment in favo	or of JPMorgan Ch	ase Bank, N.A.	
and against D	avid C. Novicki and Charles A. M	Mantell, jointly	and severally, in th	e amount of	

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[* 2] NYSCEF DOC. NO. 15 RECEIVED NYSCEF: 12/21/2021

\$13,655,469.30, plus per diem interest of \$4,210.07 from July 15, 2021 until the date of entry of

judgment; and it is further

ORDERED that the Clerk is directed to enter judgment in favor of JPMorgan Chase Bank, N.A.

and against David C. Novicki and Charles A. Mantell, jointly and severally, pursuant to the

Guaranty for JPMorgan Chase Bank, N.A.'s attorneys' fees and expenses in an amount to be

determined by a Judicial Hearing Officer or Special Referee; and it is further

ORDERED that a Judicial Hearing Officer ("JHO") or Special Referee shall be designated to

determine the issues of damages and attorneys' fees which are hereby submitted to the

JHO/Special Referee for such purpose; 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 determine

as specified above; and it is further

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[* 3]

ORDERED that counsel for plaintiff 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 parties shall appear for the reference hearing, including with all witnesses

and evidence they seek to present, and shall be ready to proceed with the hearing, on the date

fixed by the Special Referee Clerk for the initial appearance in the Special Referees Part, subject

only to any adjournment that may be authorized by the Special Referees Part in accordance with

the Rules of that Part; 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 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).

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DATE	ANDREW BORROK, J.S.C.	
CHECK ONE:	X CASE DISPOSED NON-FINAL DISPOSITION	
	X GRANTED DENIED GRANTED IN PART OTHER	
APPLICATION:	SETTLE ORDER SUBMIT ORDER	
CHECK IF APPROPRIATE:	INCLUDES TRANSFER/REASSIGN FIDUCIARY APPOINTMENT REFERENCE	