

Rosenzweig v Givens

2007 NY Slip Op 34435(U)

September 26, 2007

Supreme Court, New York County

Docket Number: 114693/05

Judge: Barbara R. Kapnick

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This opinion is uncorrected and not selected for official publication.

At IAS Part 12 of the Supreme Court,
County of New York, 60 Centre Street,
Room ~~511~~, New York, New York, this ~~25~~²⁶
day of ~~August~~^{SEPT} 2007.

Present: Hon. Barbara R. Kapnick, Justice

-----X
JOSEPH I. ROSENZWEIG,

Index No.: 114693/05
IAS Part 12

Plaintiff,

-against-

RADIAH H. GIVENS, PEOPLE OF THE STATE OF
NEW YORK, CITY OF NEW YOIR, "JANE DOE &
JOHN DOE" 1-5, said names being fictitious
and unknown to plaintiff, same being parties
having an interest against the premises, etc.

PL

Defendants.

ORDER
FILED
OCT 04 2007
NEW YORK
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-----X
Plaintiff Joseph I. Rosenzweig having moved this Court for an
order granting him summary judgment and entering a judgment of
foreclosure and sale against Defendant, together with costs and
attorneys' fees, on his claim to foreclose on two mortgage loans
made to Defendant, striking Defendant's first, second and third
affirmative defenses, dismissing Defendant's first and second
counterclaims and striking Defendant's request for an award of
punitive damages against Plaintiff;

Now, upon the reading and filing of the Notice of Motion,
dated January 4, 2006, the affidavit of Plaintiff Joseph I. Rosen-
zweig, sworn to December 20, 2005, the affidavit of Marc E.
Elliott, sworn to January 4, 2004, the affidavit of Defendant
Radiah H. Givens, sworn to January 13, 2006, the affidavit of

ORDERED that Defendant's request for an award of punitive damages against Plaintiff is hereby stricken and dismissed; and it is further

ORDERED that Carl Wisotsky, Esq. with an office at 112 Madison Ave., New York, N.Y. 212-685-7100 is hereby appointed Referee to ascertain and compute the amount due to Plaintiff herein for principal, interest, water and sewer rents, if any, insurance premiums, if any, advances to protect the lien of the subject mortgage and any other charges due upon or secured by the bond or note ^{and} ~~and~~ mortgage mentioned in the Complaint and to examine whether the mortgaged premises can be sold in one parcel, and to report to this Court with all convenient speed.

ENTER  J.S.C.

BARBARA R. KAPNICK
J.S.C.

FILED
OCT 04 2007
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