

NYCTL 2017-A Trust v JBJ Holding LLC
2019 NY Slip Op 30992(U)
April 4, 2019
Supreme Court, New York County
Docket Number: 156948/2018
Judge: William Franc Perry
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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. W. FRANC PERRY PART IAS MOTION 23EFM

Justice

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INDEX NO. 156948/2018

NYCTL 2017-A TRUST AND THE BANK OF NEW YORK MELLON
AS COLLATERAL AGENT AND CUSTODIAN FOR THE NYCTL
2017-A TRUST,

MOTION DATE 01/03/2019

MOTION SEQ. NO. 001

Plaintiff,

- v -

JBH HOLDING LLC, THE CITY OF NEW YORK -
ENVIRONMENTAL CONTROL BOARD, THE CITY OF NEW
YORK - BUREAU OF HIGHWAY OPERATIONS, THE CITY OF
NEW YORK - DEPARTMENT OF TRANSPORTATION, THE CITY
OF NEW YORK - DEPARTMENT OF FINANCE, THE STATE OF
NEW YORK - DEPARTMENT OF TAXATION AND FINANCE,
JOHN DOE NO.1 THROUGH JOHN DOE NO.100

DECISION AND ORDER

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

were read on this motion to/for

JUDGMENT - DEFAULT

Upon the foregoing documents, it is

This matter having come on before this court on February 4, 2019 on motion of the
plaintiff for computation of the amount due to plaintiff on the Tax Lien upon which this action
was brought, and the plaintiff(s) having appeared by David P. Stich, Esq., and the defendants
having failed to appear, and, pursuant to CPLR 4212, the plaintiff having moved for the
appointment of a referee to hear and report, and it appearing to the court that an appointment is
appropriate

ORDERED that a Judicial Hearing Officer ("JHO") or Special Referee shall be designated
to hear and report to this court on the following individual issues of fact, which are hereby
submitted to the JHO/Special Referee for such purpose:

(1) to ascertain and compute the amount due to Plaintiff on the Tax Lien upon which this action was brought; 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, are posted on the website of this court at www.nycourts.gov/suptmanh 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 the plaintiff shall serve a proposed accounting pre-hearing memorandum within 24 days from the date of this order and the defendant(s) shall serve objections to the proposed accounting [a pre-hearing memorandum] within 20 days from service of plaintiff(s)/petitioners' papers 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 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 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, unless otherwise directed by this court in any Order that may be issued together with this Order of Reference to Hear and Report, the issues presented in any motion identified in the first paragraph hereof shall be held in abeyance pending submission of the Report of the JHO/Special Referee and the determination of this court thereon.

4/4/2019
DATE


W. FRANC PERRY, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
			DENIED		OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input checked="" type="checkbox"/>
					REFERENCE