

<b>Provident Bank v Shah</b>
2019 NY Slip Op 32187(U)
July 22, 2019
Supreme Court, New York County
Docket Number: 850161/2017
Judge: Arlene P. Bluth
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ARLENE P. BLUTH

PART IAS MOTION 32

Justice

THE PROVIDENT BANK,
Plaintiff,

INDEX NO. 850161/2017

MOTION DATE 06/27/2019

MOTION SEQ. NO. 003

- v -

KEDAR RAMESH SHAH, HRIETU SHAH, SUNIL SHAH,
KEDAR SHAH AND PARUL SHAH, TRUSTEES OF THE
RSS IRREVOCABLE TRUST, DATED OCTOBER 20, 2016,
NEW YORK STATE DEPARTMENT OF TAXATION AND
FINANCE, BOARD OF MANAGERS OF ONE UNION
SQUARE EAST CONDOMINIUM, ITRIA VENTURES,
LLC, CHIA LING LEE A/K/A CHIALING LEE, JOHN DOE 2
TO JOHN DOE 25

DECISION + ORDER ON MOTION

Defendants.

The following e-filed documents, listed by NYSCEF document number (Motion 003) 56, 57, 58, 59, 60,
61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83

were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents, it is

ORDERED that the motion by plaintiff for a default judgment against non-appearing
defendants and for summary judgment against defendants Kedar Ramesh Shah, individually and
as trustee of the RSS Irrevocable Trust, Hrietu Shah, and Sunil Shah is granted without
opposition and the answer and affirmative defenses (see NYSCEF Doc. No. 20) are severed and
dismissed, and it is further

ORDERED that Mark McKew, ESQ with an address of
1725 York Ave Suite 29A NY NY 10128 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" be removed as party defendants in this action; and it is further

ORDERED that the caption shall read as follows:

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

-----X  
THE PROVIDENT BANK,

Plaintiff,

v.

KEDAR RAMESH SHAH, HRIETU SHAH,  
SUNIL SHAH, KEDAR SHAH AND PARUL  
SHAH, TRUSTEES OF THE RSS  
IRREVOCABLE TRUST, DATED  
OCTOBER 20, 2016, NEW YORK STATE  
DEPARTMENT OF TAXATION AND  
FINANCE, BOARD OF MANAGERS OF  
ONE UNION SQUARE EAST  
CONDOMINIUM, ITRIA VENTURES,  
LLC, CHIA LING LEE A/K/A CHIALING  
LEE,

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 and substituted 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 (ww.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.

Next Conference: January 7, 2020 @ 2:15 p.m. If a motion for judgment of foreclosure and sale has been filed, plaintiff may seek an adjournment of the conference. Please consult this part's rules for information on how to obtain an adjournment. If a motion has been made, then a conference is required to explore the reasons for the delay.

7/22/19  
DATE

  
ARLENE P. BLUTH, J.S.C.  
**HON. ARLENE P. BLUTH**

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED
<input checked="" type="checkbox"/>	GRANTED		
<input type="checkbox"/>	SETTLE ORDER		
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		

<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
<input type="checkbox"/>	GRANTED IN PART		
<input type="checkbox"/>	SUBMIT ORDER		
<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: