

First Republic Bank v Springs Fireplace Props. LLC
2019 NY Slip Op 32735(U)
September 13, 2019
Supreme Court New York County
Docket Number: 153940/2018
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

FIRST REPUBLIC BANK,
Plaintiff,
- v -

INDEX NO. 153940/2018
MOTION DATE 08/08/2019
MOTION SEQ. NO. 002

SPRINGS FIREPLACE PROPERTIES LLC, MICHAEL DUBIN, UNKNOWN HEIRS AND DISTRIBUTEES OF THE ESTATE OF RANDI T. DUBIN, BOARD OF MANAGERS OF 444 EAST 57TH STREET CONDOMINIUM, STATE SAVINGS, F.A., LUXURY MORTGAGE CORP., NEW YORK CITY PARKING VIOLATIONS BUREAU, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD, NEW YORK CITY TRANSIT ADJUDICATION BUREAU, NEW YORK CITY DEPARTMENT OF FINANCE, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, UNITED STATES OF AMERICA (SOUTHERN DISTRICT), NEW YORK CITY REGISTER, JOHN DOE #1 through JOHN DOE #12, the last twelve names being fictitious and unknown to plaintiff, the persons or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises, described in the complaint,

DECISION AND ORDER ON MOTION + ORDER OF REFERENCE

Defendants.

The following e-filed documents, listed by NYSCEF document number (Motion 002) 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75

were read on this motion to/for ORDER OF REFERENCE/REFERENCE TO COMPUTE

Upon the foregoing documents, it is

ORDERED that the motion by plaintiff for a default judgment against all non-answering defendants and restore this case to the active calendar is granted; and it is further

ORDERED that Mark McKew with an address of 1725 York Ave Suite 29A New York, NY 10128 is hereby appointed Referee in accordance with RPAPL § 1321 to compute the amount due to Plaintiff and to examine whether the mortgaged property 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 the caption be amended to remove JOHN DOE #1 through JOHN DOE #12 as party defendants in this action; and it is further

ORDERED that this action is discontinued against defendant the UNKOWN HEIRS AND DISTRIBUTEES OF THE ESTATE OF RANDI T. DUBIN and that this defendant be removed from the caption and the caption shall read as follows:

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

-----X
FIRST REPUBLIC BANK,

Plaintiff,

v.

SPRINGS FIREPLACE PROPERTIES
LLC, MICHAEL DUBIN, BOARD OF
MANAGERS OF 444 EAST 57TH STREET
CONDOMINIUM, STATE SAVINGS, F.A.,
LUXURY MORTGAGE CORP., NEW
YORK CITY PARKING VIOLATIONS
BUREAU, NEW YORK CITY
ENVIRONMENTAL CONTROL BOARD,
NEW YORK CITY TRANSIT
ADJUDICATION BUREAU, NEW YORK
CITY DEPARTMENT OF FINANCE, NEW
YORK STATE DEPARTMENT OF
TAXATION AND FINANCE, UNITED
STATES OF AMERICA (SOUTHERN
DISTRICT), NEW YORK CITY REGISTER

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

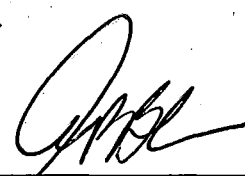
Street, Room 119), who are directed to mark the court's records to reflect the parties being removed and substituted pursuant hereto; and it is further

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)); and it is further

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: February 25, 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.

9/13/19
DATE


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

CHECK ONE:

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

APPLICATION:

CHECK IF APPROPRIATE: