

NYCTL 2018-A Trust v Chengam Pine LLC
2020 NY Slip Op 30215(U)
January 30, 2020
Supreme Court, New York County
Docket Number: 157820/2019
Judge: Arlene P. Bluth
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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. ARLENE P. BLUTH

PART

IAS MOTION 32

Justice

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INDEX NO.

157820/2019

NYCTL 2018-A TRUST AND THE BANK OF NEW YORK
MELLON, AS COLLATERAL AGENT AND CUSTODIAN,

MOTION DATE

Plaintiff,

MOTION SEQ. NO.

001

- v -

CHENGAM PINE LLC A/K/A CHENGAM PINE
LLC, BOARD OF MANAGERS OF THE 20 PINE
CONDOMINIUM, NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE, NEW YORK CITY
DEPARTMENT OF FINANCE, NEW YORK CITY
ENVIRONMENTAL CONTROL BOARD, NEW YORK CITY
PARKING VIOLATIONS BUREAU, NEW YORK CITY
TRANSIT AUTHORITY TRANSIT ADJUDICATION
BUREAU, JOHN DOE #1 THROUGH JOHN DOE #100,
THE NAMES OF THE LAST 100 DEFENDANTS BEING
FICTITIOUS, THE TRUE NAMES OF SAID DEFENDANTS
BEING UNKNOWN TO PLAINTIFFS, IT BEING INTENDED
TO DESIGNATE FEE OWNERS, TENANTS OR
OCCUPANTS OF THE LIENED PREMISES AND/OR
PERSONS, OR PARTIES HAVING OR CLAIMING AN
INTEREST IN OR LIEN UPON THE LIENED PREMISES, IF
THE AFORESAID INDIVIDUAL DEFENDANTS ARE
LIVING, AND IF ANY OR ALL OF SAID INDIVIDUAL
DEFENDANTS BE DEAD, THEIR HEIRS AT LAW, NEXT
OF KIN, DISTRIBUTEES, EXECUTORS,
ADMINISTRATORS, TRUSTEES, COMMITTEES,
DEWISEES, LEGATEES, AND THE ASSIGNEES,
LIENORS, CREDITORS AND SUCCESSORS IN
INTEREST OF THEM, AND GENERALLY ALL PERSONS
HAVING OR CLAIMING UNDER, BY, THROUGH, OR
AGAINST THE SAID DEFENDANTS NAMED AS A CLASS,
OF ANY, RIGHT, TITLE OR INTEREST IN OR LIEN UPON
THE PREMISES DESCRIBED IN THE COMPLAINT
HEREIN

**DECISION + ORDER ON
MOTION, ORDER OF
REFERENCE**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 29, 30, 31, 32, 33,
34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46

were read on this motion to/for

APPOINT - REFEREE

Upon the foregoing documents, it is

ORDERED that the motion for a default judgment and to appoint a referee is granted against the non-appearing defendants; and it is further

ORDERED that Lorraine Nadel with an address of 527 Madison Avenue, Floor 7, New York, NY 10022 (212) 317-9500 is hereby appointed Referee in accordance with RPAPL § 1321 to compute the amount due to Plaintiffs and to examine whether the tax parcel can be sold in parcels; and it is further

ORDERED that the Referee shall hold no hearing and take no testimony or evidence other than by written submission; the Court is the ultimate arbiter and the Referee's report is merely an advisory finding; 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 plaintiffs shall forward all necessary documents to the Referee and to defendants who have appeared in this case 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 if defendant(s) have objections, they must submit them to the referee within 14 days of the mailing of plaintiff's submissions; and include these objections to the Court if opposing the motion for a judgment of foreclosure and sale; and it is further

ORDERED the failure by defendants to submit objections to the referee shall be deemed a waiver of objections before the Court on an application for a judgment of foreclosure and sale; and it is further

ORDERED that plaintiffs 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 plaintiffs fail to meet these deadlines, then the Court may *sua sponte* vacate this order and direct plaintiffs to move again for an order of reference and the Court may *sua sponte* toll interest depending on whether the delays are due to plaintiffs' failure to move this litigation forward; and it further

ORDERED that the John Doe defendants be removed from the caption and the caption shall read as follows:

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

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NYCTL 2018-A TRUST, AND THE BANK OF NEW
YORK MELLON AS COLLATERAL AGENT AND
CUSTODIAN FOR THE NYCTL 2018-A TRUST,
Plaintiffs,

v.

CHENGAM PINE LLC A/K/A CHENGAM PINE
LLC, BOARD OF MANAGERS OF THE 20 PINE
CONDOMINIUM, NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE,
NEW YORK CITY DEPARTMENT OF FINANCE,
NEW YORK CITY ENVIRONMENTAL CONTROL
BOARD, NEW YORK CITY PARKING
VIOLATIONS BUREAU, NEW YORK CITY
TRANSIT AUTHORITY TRANSIT ADJUDICATION
BUREAU,

Defendant(s).

-----X
and it is further

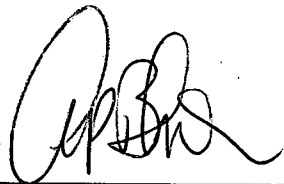
ORDERED that counsel for plaintiffs shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the General Clerk's Office (60 Centre Street, Room 119), who are directed to mark the court's records to reflect the parties being removed pursuant hereto; 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 (www.nycourts.gov/supctmanh)); and it is further

ORDERED that Plaintiffs 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: May 22, 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.

1/30/2020
DATE


ARLENE P. BLUTH, J.S.C.

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE