

LNH, LLC v Saratoga Ctr. for Care, LLC
2021 NY Slip Op 32347(U)
November 16, 2021
Supreme Court, New York County
Docket Number: Index No. 653774/2020
Judge: Andrew Borrok
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ANDREW BORROK PART 53

Justice

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LNH, LLC,

Plaintiff,

- v -

SARATOGA CENTER FOR CARE, LLC, OAKMONT CARE,
LLC, JEFFREY VEGH, TALI VEGH, ALAN (A/K/A ARI)
SCHWARTZ, DANIELLA SCHWARTZ,

Defendant.

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JEFFREY VEGH, TALI VEGH, ALAN (A/K/A ARI) SCHWARTZ,
DANIELLA SCHWARTZ

Plaintiff,

-against-

LEON MELOHN, MELOHN CAPITAL, LLC, JACK JAFFA,
SKYLINE HEALTH CARE LLC, JOSEPH SCHWARTZ, LOUIS
SCHWARTZ, CHAIM SCHEINBAUM, BRANDON
AUGUSTYNIAK

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 005) 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 104

were read on this motion to/for JUDGMENT - DEFAULT.

Upon the foregoing documents, the branch of Alan (A/K/A Ari) Schwartz's motion for default judgment as against Skyline Health Care, LLC, is granted without opposition, pursuant to CPLR § 3215. There is an alleged default, affidavit of merit and proper service. The branch of Mr. Schwartz's motion for default judgment as against Joseph Schwartz, Louis Schwartz and Brandon Augustyniak, is granted without opposition, pursuant to CPLR § 3215. There is an

alleged default, affidavit of merit, proper service, additional mailing, and affidavit of non-military service.

Accordingly, it is

ORDERED that Mr. Schwartz is entitled to default judgment as against Skyline Health Care, LLC, as there is an alleged default, affidavit of merit and proper service; and it is further

ORDERED that Mr. Schwartz is entitled to default judgment as against Joseph Schwartz, Louis Schwartz and Brandon Augustyniak, as there is an alleged default, affidavit of merit, proper service, additional mailing, and affidavit of non-military service; and it is further

ORDERED that the Clerk is directed to enter judgment in favor of Mr. Schwartz and against Skyline Health Care, LLC, Joseph Schwartz, Louis Schwartz and Brandon Augustyniak; and it is further

ORDERED that a Judicial Hearing Officer (“JHO”) or Special Referee shall be designated to determine the issue of damages in connection with the motion; and it is further

ORDERED that the powers of the JHO/Special Referee shall not be limited beyond the limitations set forth in the CPLR; 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 (which are posted on the website of this court at www.nycourts.gov/supctmanh at the “References” link), shall assign this matter at the initial appearance to an available JHO/Special Referee to determine the issue of damages as specified above; and it is further

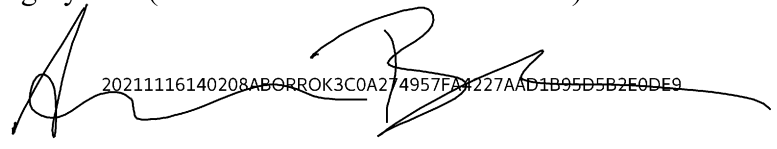
ORDERED that counsel for plaintiff shall, within 15 days from the date of this Order, submit to the Special Referee Clerk by fax (212-401-9186) or e-mail an Information Sheet (accessible at the “References” link on the court’s website) containing all the information called for therein and that, as soon 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 parties shall appear for the reference hearing, including with all witnesses and evidence they seek to present, and shall be ready to proceed with the hearing, on the date fixed by the Special Referee Clerk for the initial appearance in the Special Referees Part, subject only to any adjournment that may be authorized by the Special Referees Part in accordance with the Rules of that Part; 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).


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11/16/2021
DATE

ANDREW BORROK, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED DENIED

GRANTED IN PART OTHER

APPLICATION: SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE: INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT REFERENCE