

JPMorgan Chase Bank, N.A. v Novicki
2021 NY Slip Op 32811(U)
December 21, 2021
Supreme Court, New York County
Docket Number: Index No. 654708/2021
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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JPMORGAN CHASE BANK, N.A.,

Plaintiff,

- v -

DAVID C. NOVICKI, AS CO-EXECUTOR OF THE ESTATE
OF LOUIS L. CERUZZI, JR., CHARLES A. MANTELL, AS
CO-EXECUTOR OF THE ESTATE OF LOUIS L. CERUZZI,
JR.

Defendant.

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INDEX NO. 654708/2021

MOTION DATE 07/30/2021

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 12, 13
were read on this motion to/for JUDGMENT - SUMMARY IN LIEU OF COMPLAINT.

JPMorgan Chase Bank, N.A.'s motion for summary judgment in lieu of complaint, pursuant to
CPLR 3213, as against David C. Novicki and Charles A. Mantell, is granted as unopposed.

Accordingly, it is

ORDERED that the Clerk is directed to enter judgment in favor of JPMorgan Chase Bank, N.A.
and against David C. Novicki and Charles A. Mantell, jointly and severally, in the amount of
\$556,042.86, plus per diem interest of \$4.12 from July 15, 2021 until the date of entry of
judgment; and it is further

ORDERED that the Clerk is directed to enter judgment in favor of JPMorgan Chase Bank, N.A.
and against David C. Novicki and Charles A. Mantell, jointly and severally, in the amount of

\$13,655,469.30, plus per diem interest of \$4,210.07 from July 15, 2021 until the date of entry of judgment; and it is further

ORDERED that the Clerk is directed to enter judgment in favor of JPMorgan Chase Bank, N.A. and against David C. Novicki and Charles A. Mantell, jointly and severally, pursuant to the Guaranty for JPMorgan Chase Bank, N.A.'s attorneys' fees and expenses in an amount to be determined by a Judicial Hearing Officer or Special Referee; and it is further

ORDERED that a Judicial Hearing Officer ("JHO") or Special Referee shall be designated to determine the issues of damages and attorneys' fees which are hereby submitted to the JHO/Special Referee for such purpose; 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

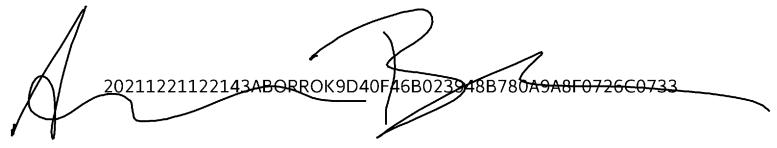
ORDERED that this matter is hereby referred to the Special Referee Clerk (Room 119, 646-386-3028 or spref@nycourts.gov) for placement at the earliest possible date upon the calendar of the Special Referees Part (Part SRP), which, in accordance with the Rules of that Part (which are posted on the website 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 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(s) specified above shall proceed from day to day until completion; 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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12/21/2021
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