

U.S. Bank N.A. v Speller
2023 NY Slip Op 35009(U)
December 8, 2023
Supreme Court, Putnam County
Docket Number: Index No. 500088/2022
Judge: Victor G. Grossman
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SUPREME COURT – STATE OF NEW YORK
Present: HON. VICTOR G. GROSSMAN, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

U.S. BANK NATIONAL ASSOCIATION, etc.,

Plaintiff,

-against-

MICHAEL M. SPELLER, ELLEN M. FITZSIMMONS,
et al.,

Defendants.

To commence the statutory time
period for appeals as of right
(CPLR 5513[a]), you are advised
to serve a copy of this order, with
notice of entry, upon all parties.

Index No. 500088 / 2022
Mot. Seq. No. 8

DECISION AND ORDER

The following papers numbered 1 to 5 were read on Plaintiff’s motion and Defendants’
cross motion for the imposition of sanctions:

Notice of Motion – Affirmation / Exhibits 1-2
Notice of Cross Motion – Affidavit 3-4
Affirmation in Further Support and Opposition 5

Upon the foregoing papers it is ORDERED that the motions are disposed of as follows:

This is a residential mortgage foreclosure action. To Plaintiff’s motion for summary
judgment, defendant Michael Speller responded inter alia with lurid, insulting, personal attacks
against named attorneys employed by the law firm representing Plaintiff. Those personal attacks
are couched in language that is not just “a bit overwrought” but so vile that it should not be
tolerated in civil society much less in a court of law. In his defense, Mr. Speller charges those
attorneys with “blatant lies and dishonesty, or mind-numbing incompetence.” He is of course
free to assert in this Court that positions taken by his adversary are false or fraudulent. However,
he has not demonstrated the truth of such allegations, many of which are predicated on factual or

legal assertions that have been explicitly rejected in prior orders of this Court. Regardless, such allegations are no justification for Mr. Speller's vile, crude, intemperate personal attacks on counsel for the Plaintiff.

Mr. Speller has in any event agreed to accept whatever sanctions the Court finds appropriate. (Speller Aff., p. 12) Sanctions may be imposed for conduct "undertaken primarily...to harass or maliciously injure another." 22 NYCRR 130-1.1[c][2]. "Payment of sanctions imposed by a party who is not an attorney shall be deposited with the clerk of the court for transmittal to the Commissioner of Taxation & Finance." 22 NYCRR 130-1.3. The Court hereby imposes a sanction of \$500.00, and warns Mr. Speller that further conduct of the nature of that which is the subject of the present application will not be tolerated in this proceeding.

It is therefore

ORDERED, that Plaintiff's motion for sanctions is granted, and defendant Michael Speller is hereby directed to deposit on or before January 10, 2024 the sum of \$500.00, in cash or by check payable to the Commissioner of Taxation & Finance, with the clerk of this Court for transmission to the Commissioner of Taxation & Finance, and to provide proof of such deposit to this Court within five (5) days of the date it is made, and it is further

ORDERED, that Defendants' cross motion for sanctions is denied.

The foregoing constitutes the decision and order of the Court.

Dated: December 8, 2023
Carmel, New York

E N T E R


HON. VICTOR G. GROSSMAN, J.S.C.