

Green v Mr. Cooper

2024 NY Slip Op 33045(U)

August 30, 2024

Supreme Court, New York County

Docket Number: Index No. 100436/2023

Judge: Paul A. Goetz

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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. PAUL A. GOETZ PART 47

Justice

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SIWANA GREEN, THOMAS GREEN,

Plaintiffs,

- v -

MR. COOPER, COMMUNITY LOAN, BAYVIEW LOAN,
DYNAMIC MORTGAGE, 67-69 ST. NICHOLAS AVE, HDFC,
VERITAS PROPERTY MNGT., JAMES MAESTRI,
SHANTELL BENNETTE-WILLIAMS, CHARLISSE
JOHNSON, NEIGHBORHOOD HOUSING SERVICES OF
NYC, MARK MATTHEWS, RAKESH NIGAM, MARK
GRABANSKI, JEFFREY L. PEARRING, HAO FENG,
HONGYING ZOE, JOSEPHINE SIBLEY, TANG FAN,
NURYS GARCIA, ANGEL GARCIA, CLARA MEREQUILDO,
JEREMY FENN-SMITH, ALBERTO CRISTANCHO, LAURA
LEE AYO MOON,

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 45, 66

were read on this motion to/for DISMISSAL.

The following e-filed documents, listed by NYSCEF document number (Motion 002) 23, 24, 25, 26, 27, 28, 29, 30, 31, 46, 67

were read on this motion to/for DISMISSAL.

The following e-filed documents, listed by NYSCEF document number (Motion 003) 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 47, 48

were read on this motion to/for DISMISSAL.

The following e-filed documents, listed by NYSCEF document number (Motion 005) 59, 60, 61, 62, 63, 64, 65, 69

were read on this motion to/for DISMISS.

The following e-filed documents, listed by NYSCEF document number (Motion 006) 72, 73, 74, 75, 76, 77, 78

were read on this motion to/for DISMISS.

INDEX NO. 100436/2023

MOTION DATE 10/06/2023,
10/06/2023,
10/09/2023,
12/13/2023,
05/08/2024

MOTION SEQ. NO. 001 002 003
005 006

**DECISION + ORDER ON
MOTION**

In this conversion action arising from an alleged property taking by eminent domain, defendants move to dismiss plaintiffs' complaint.

On May 12, 2023, *pro se* plaintiffs filed their complaint, asserting causes of action for: defamation, libel, disenfranchisement, discrimination, discrimination (again), negligence, fraud, theft, identity theft, continued improper service, "stacking lawsuits with improper service so we never find out until it's too late," mail fraud, and "covering up their improper service" (NYSCEF Doc No 3). The complaint does not provide a basis for any of these causes of action or provide any supporting factual allegations.

Defendants have separately moved to dismiss plaintiffs' complaint as follows: (1) Community Loan Servicing LLC f/k/a Bayview Loan Servicing LLC (CLS) (MS #1, NYSCEF Doc No 9); (2) Nationstar Mortgage LLC d/b/a/ Mr. Cooper (Nationstar) (MS #2, NYSCEF Doc No 23); (3) Veritas Property Management LLC (Veritas), Jeremy Finn-Smith, Mark Grabanski, Jeffrey L. Perring, Alberto Cristancho, Clara Meregildo, Shantell Bennett-Williams, and James Maistre (MS #3, NYSCEF Doc No 32); (4) Housing Preservation Development (HPD) (MS #4, NYSCEF Doc No 49)¹; (5) all the moving defendants in Mot Seq No 3, plus Laura Lee Ayo Moon (MS #5, NYSCEF Doc No 59); and (6) Rakesh Nigman, Hao Feng, Hongying Zhou, Josephine Sibley, Tan Fan, Nurys Garcia, and Angel Garcia (MS #6, NYSCEF Doc No 72).

Defendants move to dismiss principally on the grounds that plaintiffs' complaint is insufficiently pled, as it fails to establish the elements of each claim, offer supporting factual allegations, identify the legal authorities on which they rely, or intelligibly state the causes of action such that defendants may understand the claims against them (NYSCEF Doc Nos 20, 30,

¹ By decision and order dated May 14, 2024, the Hon. J. Mabelle Sweeting granted HPD's motion to dismiss the complaint as against it and reassigned the case to this General IAS part, as none of the remaining parties were represented by the Office of Corporation Counsel (NYSCEF Doc No 79).

42, 60, 73). Under Motion Seq No 5, plaintiffs filed an opposition in response to all motions to dismiss filed against them as of December 15, 2023 (NYSCEF Doc No 65). Therein, plaintiffs offer some context to certain causes of action, however, this does not cure the serious deficiencies in their complaint. Plaintiffs cannot satisfy the pleading requirements by using “one-word causes of action [as] placeholders” until discovery is under way so that “specific facts and evidence” reveal themselves (*id.*).

As the court determined in its decision and order on Mot Seq No 4, defendants “properly argue[that] the complaint is devoid of particularity and key facts” (NYSCEF Doc No 79) and plaintiffs have not cured this critical issue. Accordingly, it is

ORDERED that defendants’ motions to dismiss plaintiffs’ complaint (Mot Seq Nos 1, 2, 3, 5, 6) are granted, and the action is dismissed as against them; and it is therefore

ORDERED that the caption in this matter is hereby amended as follows:

SIWANA GREEN, THOMAS GREEN,

Plaintiffs,

- v -

DYNAMIC MORTGAGE, 67-69 ST. NICHOLAS AVE, HDFC,
CHARLISSE JOHNSON, NEIGHBORHOOD HOUSING
SERVICES OF NYC, and MARK MATTHEWS,

Defendants.

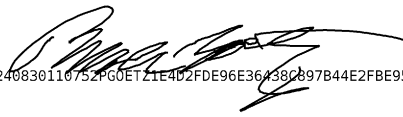
And it is further

ORDERED that all papers, pleadings, and proceedings in the above-entitled action be amended in accordance with this change, without prejudice to the proceedings heretofore had herein; and it is further

ORDERED that defendant CLS shall, within 30 days of entry of this order, serve a copy of this order with notice of entry upon the County Clerk and the Clerk of the General Clerk’s

Office, who are directed to mark the court’s records to reflect the change in the caption herein; 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).


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8/30/2024
DATE

PAUL A. GOETZ, 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