

**Stormfield SPV IV, LLC v Bowery Shed LLC**

2025 NY Slip Op 33719(U)

September 26, 2025

Supreme Court, New York County

Docket Number: Index No. 850019/2025

Judge: Francis A. Kahn III

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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. FRANCIS A. KAHN, III PART 32

*Justice*

-----X INDEX NO. 850019/2025

STORMFIELD SPV IV, LLC,

MOTION DATE \_\_\_\_\_

Plaintiff,

MOTION SEQ. NO. 002

- v -

BOWERY SHED LLC, PATRICK MEAGHER, ANTHONY  
MARANO, BOARD OF MANAGERS OF BOWERY  
TENANTS CONDOMINIUM, FESTINA LENTE LLC, JOHN  
DOE NO. 1 THROUGH JOHN DOE NO. XXX,

**DECISION + ORDER ON  
MOTION**

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 002) 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 42, 43, 44, 45, 46, 47, 48, 52, 53, 54, 58

were read on this motion to/for

JUDGMENT - DEFAULT

This is an action to foreclose on a mortgage which encumbers a parcel of real property located at 354 Bowery, Unit 3, New York New York. The mortgage was given by Defendant Bowery Shed LLC ("Bowery") to Plaintiff. The mortgage, dated May 16, 2023, secures an indebtedness with an original principal amount of \$932,750.00 which is memorialized by a note the same date as the mortgage. Concomitantly with these documents, Defendants Patrick Meagher ("Meagher") and Anthony Marano ("Marano") executed guarantees of the indebtedness. Plaintiff commenced this action, and pled Defendants defaulted in repayment. Defendants Bowery, Meagher and Marano failed to timely answer. Now, Plaintiff moves for a default judgment against the non-appearing Defendants, appointing a referee to compute and to amend the caption. Defendants Bowery, Meagher and Marano oppose the motion. While this motion was *sub judice* these Defendants moved by order to show cause for leave to file a late answer pursuant to CPLR §3012[d]. By order of this Court dated September 12, 2025, that motion was denied.

"An applicant for a default judgment against a defendant must submit proof of service of the summons and complaint, proof of the facts constituting the claim, and proof of the defaulting defendant's failure to answer or appear" (*Deutsche Bank Natl. Trust Co. v Silverman*, 178 AD3d 898, 899 [2d Dept 2019]). A plaintiff needs "only [to] allege enough facts to enable a court to determine that a viable cause of action exists" (*Woodson v Mendon Leasing Corp.*, 100 NY2d 62, 71 [2003]). The rationale for this minimal burden is that a defaulting party "admits all traversable allegations in the complaint, including the basic allegation of liability" (*Rokina Optical Co. v Camera King, Inc.*, 63 NY2d 728, 730 [1984]).

Plaintiff established *prima facie* its entitlement to a default judgment against Bowery, Meagher and Marano, as well as the other Defendants, by submitting proof of the mortgage, the unpaid note, proof of service on each Defendant, via a verified complaint, as well as proof of Defendants' failure to appear or answer (*see* CPLR §3215[f]; *SRMOF II 2012-I Trust v Tella*, 139 AD3d 599, 600 [1<sup>st</sup> Dept

2016]; *U.S. Bank Natl. Assn. v Wolnerman*, 135 AD3d 850 [2d Dept 2016]; *see also Deutsche Bank Natl. Trust Co. v Silverman*, 178 AD3d 898 [2d Dept 2019]).

“To defeat a facially adequate CPLR 3215 motion, a defendant must show either that there was no default, or that it has a reasonable excuse for its delay and a potentially meritorious defense” (*Deutsche Bank Natl. Trust Co. v Silverman*, 178 AD3d 898, 901 [2d Dept 2020], *citing US Bank N.A. v Dorestant*, 131 AD3d 467, 470 [2d Dept 2015]). Based upon this Court’s earlier decision, which is law of the case, no defense to this motion was established.

The branch of Plaintiff’s motion for a default judgment against the other non-appearing parties is granted (*see* CPLR §3215; *SRMOF II 2012-I Trust v Tella*, 139 AD3d 599, 600 [1<sup>st</sup> Dept 2016]).

The branch of Plaintiff’s motion to amend the caption is granted (*see generally* CPLR §3025; *JP Morgan Chase Bank, N.A. v Laszio*, 169 AD3d 885, 887 [2d Dept 2019]).

Accordingly, it is

ORDERED that the motion for a default judgment against the non-appearing parties and the appointment of a referee to compute is granted; and it is further

ORDERED that **Sofia Balile, 155 Water Street, Ste. 311, Brooklyn, New York 11201, 646-580-6116** is hereby appointed Referee in accordance with RPAPL § 1321 to compute the amount due to Plaintiff and examine whether the tax parcel can be sold in parcels; and it is further

ORDERED that in the discretion of the Referee, a hearing may be held, and testimony taken; 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 if the Referee holds a hearing or is required to perform other significant services in issuing the report, the Referee may seek additional compensation at the Referee’s usual and customary hourly rate; and it is further

ORDERED that plaintiff 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 plaintiff 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 the caption of this action be amended by striking therefrom the Defendants herein as "John Doe No. I" through "John Doe No. XXX", all without prejudice to the proceedings heretofore had herein; and it is further

ORDERED, that the caption shall read as follows:

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

-----X  
STORMFIELD SPV IV, LLC,

Plaintiff,

-against-

BOWERY SHED LLC.; PATRICK C. MEAGHER;  
ANTHONY M. MARANO; BOARD OF MANAGERS OF  
BOWERY TENANTS CONDOMINIUM; and FESTINA  
LENTE LLC,

Defendants.

-----X

and it is further

ORDERED that counsel for plaintiff 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/suptmanh](http://www.nycourts.gov/suptmanh))); and it is further

ORDERED that Plaintiff shall serve a copy of this Order with notice of entry on all parties and persons entitled to notice, including the Referee appointed herein.

All parties are to appear for a virtual conference via Microsoft Teams on **January 29, 2026, at 10:40 a.m.** If a motion for judgment of foreclosure and sale has been filed Plaintiff may contact the Part Clerk ([SFC-Part32-Clerk@nycourts.gov](mailto:SFC-Part32-Clerk@nycourts.gov)) in writing to request that the conference be cancelled. If a motion has not been made, then a conference is required to explore the reasons for the delay.

9/26/2025

DATE

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

FRANCIS A. KAHN III  
HON. FRANCIS A. KAHN III  
J.S.C.