

**Codlin v Bank of N.Y.**

2025 NY Slip Op 34608(U)

December 1, 2025

Supreme Court, Kings County

Docket Number: Index No. 515676/2025

Judge: Carolyn Walker-Diallo

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part FRP4, of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 320 Jay Street, Brooklyn, New York, on the 1st day of December 2025.

PRESENT:

HON. CAROLYN WALKER-DIALLO, J.S.C.

Index No.: 515676/2025

\_\_\_\_\_  
ROHAN CODLIN, ANGELLA CRAIG-JEFFERSON, x

Plaintiffs,

**DECISION/ORDER**

*-against-*

THE BANK OF NEW YORK, et al.,

Defendants.

\_\_\_\_\_  
x

Recitation, as required by CPLR 2219 (a), of the papers considered in the review of this motion:

**Papers**

**Numbered**

Notice of Motion  
Affidavit in Opposition  
Affirmation in Reply

NYSCEF Doc. Nos. 10-30  
NYSCEF Doc. No. 32  
NYSCEF Doc. No. 46

Motion Sequence #1

Upon the foregoing cited papers, the Decision/Order on this Motion is as follows:

**INTRODUCTION**

The Bank of New York, As Trustee (“Defendant”) moves to for an order dismissing this action and enjoining Plaintiffs from further filings. Defendant argues that the complaint must be dismissed because Rohan Codlin (“Plaintiff Codlin”) lacks standing and all claims are barred by res judicata and collateral estoppel, as the issues were or could have been raised in the foreclosure

action and the post-judgment proceedings. Defendant further argues that Plaintiffs' fraud claims are time-barred, and that the complaint fails to state any viable cause of action. Finally, Defendant requests an injunction preventing Plaintiffs from filing additional actions arising from the same mortgage transaction due to their pattern of repetitive, frivolous collateral attacks in multiple actions and venues.

Plaintiffs oppose, claiming Defendant lacked standing at commencement of the foreclosure action due to allegedly fraudulent assignments and that they possess new evidence. Plaintiffs further argue that Plaintiff Codlin has standing through a power of attorney and alleged possessory and equitable interests in the property. Finally, Plaintiffs argue that the statute of limitations bars Defendant's foreclosure action, which may also be challenged as a fraud upon the court.

In reply, Defendant argues that Plaintiffs' standing argument were discoverable years ago, that Plaintiff Codlin's supposed interests do not provide standing, and that Plaintiffs' attempts to amend the complaint cannot cure these defects.

#### PROCEDURAL HISTORY

On March 10, 2008, an action to foreclose upon a mortgage executed by Angella Craig-Jefferson ("Plaintiff Craig-Jefferson") was filed under Kings County Supreme Court Index Number 7759/2008 ("foreclosure action"). Plaintiff Craig-Jefferson served an answer. At the conclusion of the matter, the property was sold at auction on June 14, 2018, and a referee's deed was issued to Defendant, The Bank of New York.

After the auction, Defendant commenced eviction proceedings to remove Plaintiffs from the property, after which a judgment of possession and a warrant were issued. Thereafter, Plaintiffs

filed an emergency order to show cause on February 2, 2022 to vacate the judgment, and another on February 3, 2022. Both were declined by the Housing Court.

On June 12, 2023, Plaintiffs filed another order to show cause, this time in the foreclosure action. This order to show cause was signed, and a stay issued. By order dated September 12, 2023, the court denied the motion and lifted the stay, finding that the arguments raised therein regarding standing had been waived and could not be raised. On May 20, 2024, Plaintiffs filed another order to show cause, which was declined. On July 9, 2024, Plaintiffs filed another order to show cause, which was signed without a stay. Ultimately, the motion was denied.

The instant action was commenced on May 10, 2025, to quiet title and set aside the referee's deed. Plaintiffs filed an order to show cause in the instant action on May 28, 2025, which was declined. The instant motion by Defendant ensues.

#### DISCUSSION

“Under the doctrine of res judicata, a final adjudication of a claim on the merits precludes relitigation of that claim and all claims arising out of the same transaction or series of transactions by a party or those in privity with a party. A judgment of foreclosure and sale is final as to all questions at issue between the parties, and concludes all matters of defense which were or could have been litigated in the foreclosure action.” *Eaddy v. U.S. Bank*, 180 A.D.3d 756, 758 (2d Dep't 2020) (internal citations and quotations omitted). Here, all of Plaintiffs' claims are barred by res judicata. A final judgment of foreclosure and sale has been entered, and the property was sold at foreclosure auction in 2018.

The law is well settled that “[p]ublic policy mandates free access to the courts and zealous advocacy is an essential component of our legal system. However, where there has been an abuse

of judicial process, the court may enjoin a litigant from further actions or motion practice without prior written approval of the court.” *DiSilvio v. Romanelli*, 150 A.D.3d 1078 (2d Dep’t 2017) (internal citations and quotations omitted). “A litigant can forfeit that right by abusing the judicial process through vexatious litigation. In such cases, it is not improper for the court to enjoin a litigant from bringing any further motions without its permission.” *Citimortgage, Inc. v. Weaver*, 197 A.D.3d 1090, 1091 (2d Dep’t 2021) (internal citations and quotations omitted). *See also Dimery v. Ulster Sav. Bank*, 82 A.D.3d 1034 (2d Dep’t 2011) (enjoining plaintiff from additional filings in action involving property after “vexatious litigation”).

Here, Plaintiffs have filed multiple actions and various motions and applications for relief relating to the singular foreclosure action, long after the property was sold at a foreclosure auction. Accordingly, Plaintiffs are barred from filing any additional actions, motions, or applications regarding the underlying mortgage transaction without prior approval of the court. Finally, as this matter must be dismissed, any notice of pendency filed must also be cancelled.<sup>1</sup> CPLR 6514. *See Nationstar Mtge., LLC v. Davis*, 240 A.D.3d 790 (2d Dep’t 2025); *see also Bayview Loan Servicing, LLC v. Starr-Klein*, 193 A.D.3d 807 (2d Dep’t 2021).

#### CONCLUSION

For the foregoing reasons, Defendant’s motion to dismiss is GRANTED, and this action is DISMISSED WITH PREJUDICE. Plaintiffs are enjoined from filing further actions, motions, or applications against Defendant arising from the note or mortgage relating to the foreclosure action, without leave of court. Further, the Kings County Clerk is hereby directed, upon payment of the

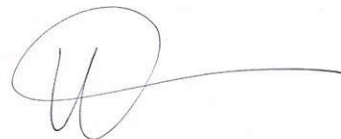
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<sup>1</sup> The Court notes that the Notice of Pendency filed as NYSCEF Doc. No. 8 was returned for correction and does not appear to have been refiled.

appropriate fee, if any, to discharge any notice of pendency filed under this index number, and to enter a notice of cancellation upon the margin of record referring to this Order.

This constitutes the Decision and Order of the Court.

ENTER:

A handwritten signature in black ink, consisting of a large, stylized 'W' followed by a horizontal line extending to the right.

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Hon. Carolyn Walker-Diallo, J.S.C