

US Bank Trust, N.A. v Green-Stevenson

2026 NY Slip Op 30459(U)

February 4, 2026

Supreme Court, Kings County

Docket Number: Index No. 523542/2017

Judge: Cenceria P. Edwards

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This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part FRP1 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 21st day of February, 2024.

P R E S E N T:

HON. CENCERIA P. EDWARDS, C.P.A.,

Justice.

-----X
US Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust,

Plaintiff(s),

-against-

Deloise Green-Stevenson, Anthony Stevenson III, et al.,

Defendant(s).
-----X

ORDER

Calendar #(s): 9 – 11

Index #: 523542/2017

Mot. Seq. #(s): 13, 14, and 15

The following e-filed papers read herein:

NYSCEF Doc. Nos.:

Notice of Motion, Affidavits (Affirmations) and Exhibits _____

307-402, 412-414

Opposing Affidavits (Affirmations) and Exhibits _____

408-411, 415, 416,

418, 419

Reply Affidavits (Affirmations) and Exhibits _____

424-426

This is an action to foreclose on a mortgage encumbering the residential real property known as 1534 Eastern Parkway, Brooklyn NY, and owned by *pro se* defendants Deloise Green-Stevenson (borrower/mortgagor) and Anthony Stevenson III (co-mortgagor), hereinafter, “the Stevenson defendants.” Plaintiff previously moved, in motion sequence (“mot. seq.”) #9, for summary judgment on the complaint and an order of reference. In mot. seq. #10, the Stevenson defendants cross-moved for summary judgment dismissing the complaint on several grounds, including the statute of limitations. The Stevenson defendants also moved to dismiss all causes of action against them, again invoking the statute of limitations (mot. seq. #11), and to strike from the complaint matters they believe to be scandalous or prejudicial (mot. seq. #12).

By decision and order dated May 16, 2023, and entered May 19, 2023, this court denied all four of the motions in mot. seq. #s 9 through 12 (*see* NYSCEF doc. #394). With respect to

the dispositive relief sought, mot. seq. #10 and #11 were denied because they were, in effect, improper successive motions for summary judgment made by the Stevenson defendants. As Plaintiff had failed to eliminate triable issues of fact as to the validity of the statute of limitations defense, namely, the efficacy of the purported de-acceleration letter dated June 12, 2015, Plaintiff's motion (mot. seq. #9) was also denied, but with leave to renew after a framed-issue hearing on the subject. Additionally, by order dated August 22, 2023, and entered October 5, 2023, this Court amended the May 2023 order by substituting the Referee previously appointed to conduct the framed-issue hearing and directing that the hearing be completed by December 15, 2023 (*see* NYSCEF doc. # 405). The Stevenson defendants now move for various forms of relief in three separate motions. Each of which is addressed below.

Motion Seq. #13

The Stevenson defendants now move, in mot. seq. #13, for leave to renew mot. seq. #s 9 through 12, and upon renewal, for an order: 1) denying Plaintiff's motion for summary judgment; 2) granting their RPAPL § 1501 (4) counterclaim to cancel and discharge the subject mortgage; and 3) awarding them attorneys' fees and expenses pursuant to RPL § 282 and 22 NYCRR § 130-1.1. At the outset, since the Court has already denied Plaintiff's motion for summary judgment, this branch of the Stevenson defendants' motion seeking renewal for that same purpose is summarily denied as moot.

The Court declines to substantively address the remaining branches of the motion which, in effect, seek dispositive relief on the merits, due to the movants' failure to comply with the provisions of the Uniform Rules for the Supreme Court and the County Court regarding the length of motion papers. The rules provide, in pertinent part: "[w]here prepared by use of a computer, [] affidavits, affirmations, briefs and memoranda of law in chief shall be limited to 7,000 words each" (22 NYCRR § 202.8-b [a][i]). The rules further provide that where those documents are typewritten or handwritten, they "shall be limited to 20 pages each" (22 NYCRR § 202.8-b [d]). The Stevenson defendants' affidavit in support of mot. seq. #13 (*see* NYSCEF doc. #397) does not proffer much in the way of evidentiary facts, but instead presents extensive legal argument and, thus, is really a memorandum of law. Although the document was obviously prepared by use of a computer, it does not contain a certification of compliance with the word count limit (*see* 22 NYCRR § 202.8-b [c]). Moreover, while it is unclear whether *pro se* litigants

are subject to the certification requirement,¹ 22 NYCRR § 202.8-b (c) is clear that the word count limit applies to all of the listed documents comprising motion papers, including affidavits and memoranda of law. In any event, the Stevenson defendants' affidavit in support far exceeds the alternative 20-page limit for typewritten documents, as it is 27 pages long, excluding the blue back. Hence, there is little doubt that the document also far exceeds the 7,000-word count limit.

This Court did not grant the Stevenson defendants permission for oversized submissions, and they did not make such a request pursuant to the rules (*see* 22 NYCRR § 202.8-b [f]). As stated above, in this decision and order the Court is considering mot. seq. #s 13 through 15. It is noted that of these 15 motions, the Stevenson defendants have made all but one, and each is replete with extensive citation to, and discussion of, legal authority. Additionally, mot. seq. #13 was made nearly two-and-a-half years after the provisions of the Uniform Rules governing the length of motion papers went into effect. The history of this case demonstrates that despite their status as *pro se* litigants, the Stevenson defendants are not novices to motion practice. The Court, thus, perceives no reason to excuse their violation of the rules, and will not exercise its discretion to consider the improper motion papers comprising mot. seq. #13,

Motion Seq. #14

The Stevenson defendants also move to “object” to what they call the Referee’s “*ex parte*” motion to appoint a successor Referee to conduct the framed-issue hearing directed in the May 2023 order. “Upon being notified that a referee declines or fails to serve, ... on motion of any party **or on its own initiative**, the court may designate a successor referee ...” (CPLR § 4314 [emphasis added]). Contrary to the Stevenson defendants’ understanding, the prior Referee did not move to appoint a successor, *ex parte* or otherwise, nor did the Court grant any such motion. Rather, upon being notified that the prior Referee could not accept the appointment, the Court merely exercised the authority expressly granted by statute to appoint a replacement. Hence, insofar as the Stevenson defendants’ “objection” may be based on a notion that the appointment of a successor Referee was improper or unauthorized, they are simply incorrect.

The Stevenson defendants also appear to be requesting that this Court stay further proceedings in this action, including the framed-issue hearing (which has yet to occur), until the

¹ The rules expressly state that the computer-prepared documents must include “a certification **by the counsel** who has filed the document...” and that “**[t]he counsel certifying compliance** may rely on the word count of the word-processing system used to prepare the document” (22 NYCRR § 202.8-b [c] [emphasis added]).

Appellate Court decides a motion they filed there on June 20, 2023 under docket number 2019-09579, which will bear on the dispositive statute of limitations issue. However, that docket number corresponds to the Appellate Division, Second Department's September 2022 decision on the Stevenson defendants' appeal of the May 2019 order of this Court (Noach Dear, J.) denying two of their previous motions made as mot. seq. #s 7 and 8 (*see* NYSCEF doc. #s 210 and 388). It is unclear if the Stevenson defendants are referring to a motion made in the Second Department to reconsider its decision, but they did not submit any evidence of that. Nor does the record show that the Stevenson defendants appealed the May 2023 order denying mot. seq. #s 9 through 12. As there is no evidence warranting a stay of proceedings, mot. seq. #14 is denied.

Motion Seq. #15

The moving papers-in-chief for mot. seq. #15 were not submitted to this Court at the February 21, 2024 motion conference in FRP-1, nor are they on NYSCEF. At said conference the Stevenson defendants represented that they filed the papers manually, and Plaintiff confirms in its opposing papers that it was served solely by mail (*see* NYSCEF doc. #422, ¶¶ 2 and 8). As the Stevenson defendants are e-filing participants, it was improper for them to serve and file this motion via traditional methods. Indeed, it seems inexplicable, since they e-filed all of their prior motions and also e-filed six additional motions, including mot. seq. #16 on February 20, 2024, the very day before the conference at which the instant motions were submitted to FRP-1. At the motion conference the Stevenson defendants were told to rectify the omission of their moving papers-in-chief from NYSCEF and yet, to date, they have not done so. As the Court cannot consider the motion without the moving papers, mot. seq. #15 must be denied.

Accordingly, the above-referenced motions by the Stevenson defendants (mot. seq. # 13, #14, and #15) are, each, **DENIED in their respective entirety**.

The foregoing constitutes the Order of this Court.

February 4, 2026

Dated: ~~July~~ _____, 2024

E N T E R,



Hon. Cenceria P. Edwards, JSC, CPA