

<b>Harlow Mezz, LLC v Global Inv. Fund I</b>
2026 NY Slip Op 31538(U)
April 10, 2026
Supreme Court, New York County
Docket Number: Index No. 652734/2025
Judge: Melissa A. Crane
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**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. MELISSA A. CRANE** **PART 60M**  
*Justice*  
-----X

HARLOW MEZZ, LLC, THE COVE MEZZ, LLC, LURIN REAL ESTATE HOLDINGS LV, LLC, LURIN REAL ESTATE HOLDINGS LVIII, LLC

**INDEX NO. 652734/2025**

Plaintiff,

**DECISION  
AFTER INQUEST**

- v -

GLOBAL INVESTMENT FUND I, AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS, DELPHI CRE FUNDING, LLC, ACORE CAPITAL MORTGAGE, LP,

Defendant.  
-----X

On December 8, 2025, the court granted defendants’ Motion Sequence No. 03 and entered default judgments as to liability on defendants’ counterclaim against plaintiffs Harlow Mezz (“Harlow”) and The Cove Mezz (“Cove”). The court scheduled an inquest for damages to be held (Doc 102 [Decision + Order on Motion]). None of the parties objected to conducting the inquest on papers. In support of the inquest, defendants submit the affidavit of Patrick L. Robson, attorneys for defendants (Doc 105 [Robson Aff.], ¶ 1). Plaintiffs did not file any opposition papers.

Defendants seek: (1) \$16,897.32 paid to JPR Advertising Agency, Inc. (“JPR”) for its professional services running the advertising and marketing campaign for advertisements in the Commercial Mortgage Alert and the New York Times in connection with the delayed Harlow UCC Sale; (2) \$16,987.32 paid to JPR in connection with the delayed Cove UCC Sale; (3) \$8,550.00 paid to Mannion Auctions, LLC (“Mannion”), the auctioneer who conducted the delayed UCC Sales, for his services and the stenographer’s services in connection with the delayed

**OTHER ORDER – NON-MOTION**

Harlow UCC Sale; (4) \$8,300.00 paid to Mannion in connection with the delayed Cove UCC Sale; (5) \$297.90 paid to CT Lien Solutions in connection with updating the title and other searches related to Harlow and Cove for the delayed UCC Sales, including state lien searches, state and local tax searches, county or state fees searches, and county or state copy fees searches; (6) \$137,447.88 paid in legal fees and costs for Cove; and (7) \$191,816.09 paid in legal fees and costs for Mezz. The court awards in full all of the above, except for the requested attorneys' fees. The court exercises its discretion to reduce the awarded fees, as set forth below.

### DISCUSSION

#### I. Costs

Defendants have adequately established their entitlement to costs in connection with the delayed UCC sales (*see* Docs 26, 27, 32, 33 [including valid "Recourse for Losses" provisions]).

Defendants costs include:

(1) \$16,897.32 paid to JPR in connection with the delayed Harlow UCC Sale (Doc 106 [JPR Invoices – Harlow]);

(2) \$16,987.32 paid to JPR in connection with the delayed Cove UCC Sale (Doc 107 [JPR Invoices – Cove]);

(3) \$8,550.00 paid to Mannion in connection with the delayed Harlow UCC Sale (Doc 108 [Mannion Invoices – Harlow]);

(4) \$8,300.00 paid to Mannion in connection with the delayed Cove UCC Sale (Doc 109 [Mannion Invoices – Cove]);

(5) \$297.90 paid to CT Lien Solutions (Doc 110 [CT Lien Solution Invoice]);

(6) \$860.38 paid in legal costs for Cove (Doc 111 [Hunton Legal Invoices - Cove], pg. 12);

and

(7) \$12,184.59 paid in costs for Mezz (Doc 112 [Hunton Legal Invoices – Harlow], pg. 18).

## II. Attorneys' Fees

Defendants seek \$136,587.50 paid in legal fees for Cove and \$179,631.50 paid in legal fees for Mezz. The court declines to award the full \$316,219.00 in attorneys' fees defendants seek on this inquest.

An award of reasonable attorneys' fees is within the discretion of the court (*see Diakrousis v Malanga*, 61 AD3d 469 [1st Dept 2009]). To assess the reasonableness of attorneys' fees, the court considers several factors, "including the time and labor required, the difficulty of the issues involved, and the skill and effectiveness of counsel...reduc[ing] the amount requested to eliminate work that was duplicative or was unnecessarily performed by an attorney, rather than a secretary or paralegal" (*JK Two LLC v Garber*, 171 AD3d 496, 496 [1st Dept 2019]; *S.T.A Parking Corp. v Lancer Ins. Co.*, 128 AD3d 479, 480 [1st Dept 2015]). The requesting party holds the burden of proof in proving the reasonableness of requested fees (*EVUNP Holdings LLC v Frydman*, 154 AD3d 558, 559 [1st Dept 2015]).

A fee award may also be reduced where there is block billing - the practice of lumping multiple charges together in a single billing entry (*see Matter of Silverstein v Goodman*, 113 AD3d 539, 540 [1st Dept 2014]; *RMP Capital Corp. v Victory Jet, LLC*, 139 AD3d 836, 840 [2d Dept 2016] [25% reduction of fee award "due to the use of block billing, including vague and nonspecific billing entries, and the nature of th[e] lawsuit"]). Specifically, courts may reduce requested fees when the use of block billing makes it "makes it exceedingly difficult for the court to identify whether the amount of time spent on a particular task is reasonable" (*546-552 W. 146th St. LLC v Arfa*, 99 AD3d 117, 123 [1st Dept 2012]). The court may also reduce fees that are

excessive (*see Solow Management Corp. v Tanger*, 43 AD3d 691 [1st Dept 2007]). Thus, a reduction in fees that are duplicative, excessive and include blocking billing is within the court's discretion.

The time records and entries defendants' counsel submits on this inquest indicate numerous instances of block billing. The block billing ultimately prevents the court from determining the reasonableness of the requested attorneys' fees, as the court cannot differentiate nor specify how much time defendants' counsel spent on each task listed.

For instance, on May 4, 2025, attorney Silvia Ostorower billed 4.2 hours (for Cove) and 4.3 hours (for Harlow), listing:

“Start drafting Opposition to Plaintiffs' Motion for a TRO; analysis and edits to J. Mann's Affirmation in support of Acore's Opposition to Plaintiffs' Motion for a TRO” (Doc 111 [Hunton Legal Invoices - Cove], pg. 4; Doc 112 [Hunton Legal Invoices – Harlow], pg. 5).

Then, on May 5, 2025, attorney Silvia Ostorower billed 5.7 hours (for Cove) and 5.8 hours (for Harlow), listing:

“Continue drafting Opposition to Plaintiffs' Motion for a TRO; confer with client and Hunton team regarding status and next steps; prepare for and participate in call with Newman's counsel regarding Schwalb Affirmation” (Doc 111, pg. 4; Doc 112, pg. 6).

And on May 6, 2025, attorney Silvia Ostorower billed 6.1 hours (for Cove) and 6.1 hours (for Harlow), listing:

“Analysis of and edits to Newman's revisions to Schwalb's Affirmation; confer with P. Robson regarding same; analyze, edit, and finalize Opposition to Plaintiffs' Emergency Application for TRO, MannAff., RobsonAff., and check exhibits to each; prepare all papers for filing” (Doc 111, pg. 5; Doc 112, pg. 7).

Defendants' invoices are rife with block billing entries that do not differentiate how much time the invoicing employee spent on each individual task. There are also duplicative and

excessive entries. In addition, defendants' counsel billed ACORE separately for the Cove and Mezz properties, and there are instances of substantial overlap in the two invoices. Moreover, the court finds that some of the invoice entries are excessive and certain tasks billed by attorneys could have been performed by non-attorney staff.

As such, a deduction is appropriate, and the court exercises its discretion to reduce the requested attorneys' fees amount. Under these circumstances, the court finds that a 65% reduction to the requested \$316,219.00 amount is appropriate (see *David Z. Inc. v Timur on Fifth Ave., Inc.*, 7AD3d 257, 258 [1<sup>st</sup> Dept 2004]). Thus, the court awards defendants a total of \$110,676.65 (reflecting a 65% reduction to the requested \$316,219.00 amount) for attorneys' fees.

Accordingly, it is

ORDERED that the Clerk is directed to enter judgment in favor of defendants and against plaintiffs, jointly and severally, in the amount of \$174,754.16, together with interest at the statutory rate from 5/2/2025 [the date on which plaintiff filed the complaint], as calculated by the Clerk; and it is further

ORDERED that the Clerk shall mark this case disposed.

MELISSA A. CRANE, JSC

DATE: 4/10/2026

Check One:

Case Disposed

Non-Final Disposition

Check if Appropriate:

Other (Specify

DECISION AFTER INQUEST )