

U.S. Bank N.A. v Musnik
2026 NY Slip Op 31649(U)
April 16, 2026
Supreme Court, Nassau County
Docket Number: Index No. 602426/2023
Judge: Carolyn Mazzu Genovesi
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already raised this issue in opposition to plaintiff's motion for summary judgment (MS # 3). By Decision and Order dated December 5, 2024, and entered January 30, 2025, Justice Randy Sue Marber granted plaintiff's motion and appointed a referee notwithstanding. Under the law of the case doctrine, "when an issue is once judicially determined, that should be the end of the matter as far as Judges and courts of co-ordinate jurisdiction are concerned." *Strujan v. Glencord Bldg. Crop.*, 137 A.D.3d 1252, 1253 (2d Dep't 2016) quoting *Clark v. Clark*, 117 A.D.3d 668, 669 (2d Dep't 2014). Accordingly, this Court cannot consider the sufficiency of the Limited Power of Attorney.

Defendant also contends that the referee's report is not substantially supported by the record because it includes charges that are barred by the six-year statute of limitations and were waived by plaintiff. However, the Court reviewed the payment history plaintiff provided, and none of the charges predate February 9, 2017, six years before this action was commenced.

The Proposed Order annexed to the moving papers shall be forwarded to the Foreclosure Department of this Court, and should it be found consistent with the terms of this and prior Orders, it shall be executed upon completion of such review.

This constitutes the Decision and Order of the Court.

Date: 4/16/26

ENTER


Hon. Carolyn Mazza Genovesi