

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

U.S. ROF III Legal Title Trust 2015-1 v. Mani

U.S. ROF III Legal Title Trust 2015-1, 2026 NY Slip Op 03018 (Supreme Court of the State of New York
Appellate Division Second Judicial Department 2026) · No. 2023-11733 · Decided May 13, 2026

SUMMARY

The Appellate Division, Second Department dismissed the plaintiff's appeal from an order denying motions brought by a nonparty alleged assignee in a mortgage foreclosure action. The court held that the plaintiff was not aggrieved because it had not joined in the nonparty's motion.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Colleen D. Duffy, J.P.; Paul Wooten, J.; Phillip Hom, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	May 13, 2026
DOCKET	2023-11733
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff appealed from an order denying branches of a nonparty assignee's motion for summary judgment, to strike the defendant's answer and counterclaims, for an order of reference, and to substitute the assignee as plaintiff in a mortgage foreclosure action.
PRECEDENTIAL VALUE	Published opinion
PARTIES	U.S. ROF III Legal Title Trust 2015-1 v. Shreshth Mani

TOPICS

- appellate procedure
- civil procedure
- foreclosure
- summary judgment

PRACTICE AREAS

- Appellate procedure
- Civil procedure
- Mortgage foreclosure
- Real estate

QUESTIONS PRESENTED

- 1. Whether the plaintiff could appeal from the denial of relief sought by a nonparty assignee when the plaintiff had not joined in the assignee's motion.
- 2. Whether the plaintiff was aggrieved by the portion of the order denying the nonparty assignee's motion.

HOLDINGS

- 1. The plaintiff was not aggrieved by the denial of the nonparty assignee's motion and therefore could not maintain the appeal.

KEY QUOTATIONS

“ORDERED that the appeal is dismissed, without costs or disbursements, as the plaintiff is not aggrieved by the portion of the order appealed from” ([*1])

FACTUAL BACKGROUND

The plaintiff commenced an action to foreclose a consolidated mortgage on a condominium unit in Queens. Shreshth Mani answered with several affirmative defenses, including lack of standing, and asserted counterclaims. A nonparty trust claiming to be the plaintiff's assignee moved for summary judgment, to strike the answer and counterclaims, for an order of reference, and to substitute itself as plaintiff; the plaintiff did not join that motion.

PROCEDURAL HISTORY

The plaintiff commenced the foreclosure action in May 2019. In January 2023, nonparty Palm Avenue Hialeah Trust, alleging it was the plaintiff's assignee, moved for summary judgment and related relief, but the Supreme Court, Queens County, denied the specified branches of the motion. The plaintiff appealed, although it had not joined in Palm Avenue's motion; the Appellate Division dismissed the appeal because the plaintiff was not aggrieved.

DISPOSITION

dismissed

CASES CITED

- *Mixon v TBV, Inc.*, 76 AD3d 144

OPINION

U.S. ROF III Legal Title Trust 2015-1 v. Mani 2026 NY Slip Op 03018

PER CURIAM.

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etc., appellant,</p> <p>v</p> <p>Shreshth Mani, respondent, et al., defendants.</p> </div>
<p>Supreme Court of the State of New York, Appellate Division, Second Judicial Department</p>
<p>Decided on May 13, 2026</p> <p>2023-11733, (Index No. 709170/19)</p> <p>Colleen D.
Duffy, J.P.</p> <p>Paul Wooten</p> <p>Phillip Hom</p> <p>Elena Goldberg Velazquez, JJ.</p>
<div> <p>Ross Eisenberg Law, PLLC, Cedarhurst, NY, for appellant.</p> </div> [*1]
 <p>DECISION & ORDER</p> <p>In an action to foreclose a mortgage, the
plaintiff appeals from an order of the Supreme Court, Queens County (Laurentina S. McKetney
Butler, J.), entered August 18, 2023. The order, insofar as appealed from, denied those branches of
the motion of nonparty Palm Avenue Hialeah Trust which were for summary judgment on the
complaint insofar as asserted against the defendant Shreshth Mani, to strike that defendant's
answer and counterclaims, for an order of reference, and to substitute nonparty Palm Avenue
Hialeah Trust as the plaintiff. </p> <p>ORDERED that the appeal is dismissed, without costs or
disbursements, as the plaintiff is not aggrieved by the portion of the order appealed from
(*see* CPLR 5511; *Mixon v TBV, Inc.*, 76 AD3d 144).</p> <p>In May 2019, the
plaintiff commenced this action against the defendant Shreshth Mani (hereinafter the defendant),
among others, to foreclose a consolidated mortgage on a condominium unit located in Queens.
The defendant interposed a verified answer, asserting several affirmative defenses, including the
plaintiff's lack of standing, as well as counterclaims.</p> <p>In January 2023, alleging to be the
plaintiff's assignee, nonparty Palm Avenue Hialeah Trust (hereinafter Palm Avenue) moved, inter
alia, for summary judgment on the complaint insofar as asserted against the defendant, to strike
the defendant's answer and counterclaims, for an order of reference, and to substitute Palm Avenue
as the plaintiff. The defendant opposed Palm Avenue's motion. The Supreme Court denied those
branches of Palm Avenue's motion. The plaintiff appeals.</p> <p>The appeal by the plaintiff must
be dismissed, as the plaintiff, which did not join in Palm Avenue's motion, is not aggrieved thereby
(*see* CPLR 5511; *Mixon v TBV, Inc.*, 76 AD3d 144).</p> <p>DUFFY, J.P.,
WOOTEN, HOM and GOLDBERG VELAZQUEZ, JJ., concur.</p> <p>ENTER:</p> <p>Darrell
M. Joseph</p> <p>Clerk of the Court</p> </div> <div> <footer> <div> <p>Court Decisions</p>
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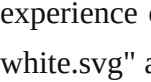
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PER CURIAM.

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2026 NY Slip Op 03018

May 13, 2026

Appellate Division, Second Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

U.S. ROF III Legal Title Trust 2015-1, etc., appellant,

v

Shreshth Mani, respondent, et al., defendants.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on May 13, 2026

2023-11733, (Index No. 709170/19)

Colleen D. Duffy, J.P.

Paul Wooten

Phillip Hom

Elena Goldberg Velazquez, JJ.

Ross Eisenberg Law, PLLC, Cedarhurst, NY, for appellant.

DECISION & ORDER

In an action to foreclose a mortgage, the plaintiff appeals from an order of the Supreme Court, Queens County (Laurentina S. McKetney Butler, J.), entered August 18, 2023. The order, insofar as appealed from, denied those branches of the motion of nonparty Palm Avenue Hialeah Trust which were for summary judgment on the complaint insofar as asserted against the defendant Shreshth Mani, to strike that defendant's answer and counterclaims, for an order of reference, and to substitute nonparty Palm Avenue Hialeah Trust as the plaintiff.

ORDERED that the appeal is dismissed, without costs or disbursements, as the plaintiff is not aggrieved by the portion of the order appealed from (*see* CPLR 5511; *Mixon v TBV, Inc.*, 76 AD3d 144).

In May 2019, the plaintiff commenced this action against the defendant Shreshth Mani (hereinafter the defendant), among others, to foreclose a consolidated mortgage on a condominium unit located in Queens. The defendant interposed a verified answer, asserting several affirmative defenses, including the plaintiff's lack of standing, as well as counterclaims.

In January 2023, alleging to be the plaintiff's assignee, nonparty Palm Avenue Hialeah Trust (hereinafter Palm Avenue) moved, inter alia, for summary judgment on the complaint insofar as asserted against the defendant, to strike

the defendant's answer and counterclaims, for an order of reference, and to substitute Palm Avenue as the plaintiff. The defendant opposed Palm Avenue's motion. The Supreme Court denied those branches of Palm Avenue's motion. The plaintiff appeals.

The appeal by the plaintiff must be dismissed, as the plaintiff, which did not join in Palm Avenue's motion, is not aggrieved thereby (see CPLR 5511; *Mixon v TBV, Inc.*, 76 AD3d 144).

DUFFY, J.P., WOOTEN, HOM and GOLDBERG VELAZQUEZ, JJ., concur.

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PER CURIAM.

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the plaintiff's assignee, nonparty Palm Avenue Hialeah Trust (hereinafter Palm Avenue) moved, inter alia, for summary judgment on the complaint insofar as asserted against the defendant, to strike the defendant's answer and counterclaims, for an order of reference, and to substitute Palm Avenue as the plaintiff. The defendant opposed Palm Avenue's motion. The Supreme Court denied those branches of Palm Avenue's motion. The plaintiff appeals. The appeal by the plaintiff must be dismissed, as the plaintiff, which did not join in Palm Avenue's motion, is not aggrieved thereby (see CPLR 5511; *Mixon v TBV, Inc.* , 76 AD3d 144). DUFFY, J.P., WOOTEN, HOM and GOLDBERG VELAZQUEZ, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.