

**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

OPINION

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

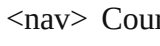
PER CURIAM.

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2026 NY Slip Op 03018

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Appellate Division, Second Department

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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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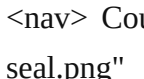
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Colleen D. Duffy, J.P.

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Elena Goldberg Velazquez, JJ.

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

[*1]

DECISION & ORDER

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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 (<i>see</i> CPLR 5511; <i>Mixon v TBV, Inc.</i>, 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 (<i>see</i> CPLR 5511; <i>Mixon v TBV, Inc.</i>, 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> All Court Decisions Official Reports Service Bound Volumes Decision Search </div> <div> <p>Resources</p> RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index </div> <div> <p>About</p> About the Law Reporting Bureau About our Operations Contact Us Twitter </div> <div> <p>Quick Contact Info</p> <p>17 Lodge Street</p> <p>Albany, NY 12207</p> <p>Phone: (518) 453-6900</p> </div> </footer> </div> <div> <p>Links to or from other sites do not signify endorsement or relationship with them.</p> </div> </div>

PER CURIAM.

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Velazquez, JJ. Ross Eisenberg Law, PLLC, Cedarhurst, NY, for appellant. [*1] 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. 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.