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

JPMorgan Chase Bank, N.A. v. Reinhold

2026 NY Slip Op 02636 · No. 2024-08693 · Decided April 29, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order denying defendants' motion under CPLR 5015(a) to vacate an order granting the plaintiff leave to enter a default judgment in a mortgage foreclosure action. The court held that the defendants failed to establish a reasonable excuse for their failure to answer the complaint and oppose the motion, and therefore did not need to consider whether they had potentially meritorious defenses.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Linda Christopher, J.; Lillian Wan, J.; Lourdes M. Ventura, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	April 29, 2026
DOCKET	2024-08693
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying the defendants' motion under CPLR 5015(a) to vacate an order granting the plaintiff leave to enter a default judgment and an order of reference in a mortgage-foreclosure action.
STANDARD OF REVIEW	A motion to vacate a default under CPLR 5015(a)(1) requires a reasonable excuse for the default and a potentially meritorious defense. A party seeking to vacate an order entered upon a default in opposing a motion must similarly show a reasonable excuse and potentially meritorious opposition.
PRECEDENTIAL VALUE	Published New York appellate decision
PARTIES	Benzion Joseph Reinhold, Beila Reizel Reinhold v. JPMorgan Chase Bank, National Association

TOPICS

foreclosure mortgages default judgment default appellate procedure

PRACTICE AREAS

civil procedure mortgage foreclosure appellate procedure remedies

QUESTIONS PRESENTED

1. Whether the defendants established a reasonable excuse for failing to answer the foreclosure complaint and oppose the plaintiff's motion for leave to enter a default judgment.
2. Whether the defendants were entitled under CPLR 5015(a) to vacate the order granting leave to enter a default judgment and an order of reference.

HOLDINGS

1. The defendants failed to establish a reasonable excuse for either their failure to answer the complaint or their failure to oppose the plaintiff's motion because their unsupported claim that prior counsel had duped them did not provide a detailed and credible explanation of the defaults.
2. Because the defendants failed to demonstrate a reasonable excuse for their defaults, the court was not required to consider whether they had potentially meritorious defenses to the foreclosure action.

KEY QUOTATIONS

> *“"Although the court has discretion to accept law office failure as a reasonable excuse, a pattern of willful default and neglect should not be excused"”* ([*2])

> *“"law office failure should not be excused where a default results not from an isolated, inadvertent mistake, but from repeated neglect"”* ([*2])

> *“a "claim of law office failure must be supported by a detailed and credible explanation of the default at issue, as mere neglect is not a reasonable excuse"”* ([*2])

FACTUAL BACKGROUND

In February 2008, Benzion Joseph Reinhold obtained a $488,000 home equity line of credit from JPMorgan Chase, secured by a mortgage executed by Benzion and Beila Reizel Reinhold on Brooklyn real property. After an alleged payment default in January 2011 and a June 2016 notice of default, JPMorgan commenced foreclosure proceedings in December 2016. Defendants' counsel appeared but defendants failed to answer the complaint and failed to oppose the plaintiff's motion for leave to enter a default judgment. Defendants later asserted that prior counsel had duped them, but submitted only Benzion's conclusory affidavit and no evidence supporting that assertion.

PROCEDURAL HISTORY

JPMorgan Chase commenced a mortgage-foreclosure action in December 2016. Although defendants' counsel appeared and participated in a foreclosure settlement conference, the defendants did not answer the complaint or oppose the plaintiff's August 2019 motion for leave to enter a default judgment. The Supreme Court granted that motion by order dated March 23, 2022, and later denied defendants' motion to vacate that order; the defendants appealed from the April 3, 2024 order.

DISPOSITION

affirmed

CASES CITED

- Deutsche Bank Natl. Trust Co. v Alpert, 241 AD3d 1265
- U.S. Bank N.A. v Stathakis, 202 AD3d 1026, 1028
- HSBC Bank USA, N.A. v Scivoletti, 212 AD3d 600, 603
- Deutsche Bank Natl. Trust Co. v Hossain, 187 AD3d 986, 987
- Prudence v White, 144 AD3d 655, 656
- Rudsky v Schechtman, 219 AD3d 1453, 1454
- GMAC Mtge., LLC v Guccione, 127 AD3d 1136, 1138
- Lee v Latendorf, 162 AD3d 1002, 1003
- Chase Bank USA, N.A. v Laroche, 208 AD3d 845, 847
- Wells Fargo Bank, N.A. v Singh, 204 AD3d 732