

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,  
FIRST DEPARTMENT**

**Chauhan v. AS Helios LLC**

2021 NY Slip Op 01191 (N.Y. Ct. App. 2021) · No. Appeal No. 13215; Case No. 2020-01826; Index No. 156579/19 · Decided February 25, 2021

**SUMMARY**

The Appellate Division, First Department affirmed dismissal of the plaintiffs' claims against M&T Bank. It held that res judicata barred the claims because they arose from the same transaction and could have been litigated in a prior RPAPL article 15 quiet-title action, and the plaintiffs had a full and fair opportunity to litigate.

**CASE DETAILS**

|                       |                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, First Department                                                       |
| WRITING FOR THE COURT | Manzanet-Daniels, J.P.; Kern, J.; Kennedy, J.; Scarpulla, J.                                                                       |
| JURISDICTION          | New York                                                                                                                           |
| DECIDED               | February 25, 2021                                                                                                                  |
| DOCKET                | Appeal No. 13215; Case No. 2020-01826; Index No. 156579/19                                                                         |
| DISPOSITION           | affirmed                                                                                                                           |
| PROCEDURAL POSTURE    | Plaintiffs appealed an order of Supreme Court, New York County, granting M&T Bank's motion to dismiss the complaint as against it. |
| PRECEDENTIAL VALUE    | published                                                                                                                          |
| PARTIES               | Pushpa Chauhan et al. v. AS Helios LLC et al., M&T Bank, also known as Manufacturers and Traders Trust Company                     |

**TOPICS**

res judicata

motions to dismiss

quiet title

foreclosure

civil procedure

**PRACTICE AREAS**

civil procedure

real estate

remedies

**QUESTIONS PRESENTED**

1. Whether plaintiffs' claims were barred by res judicata because they arose from the same transaction as the prior quiet-title action, involved identical parties, and could have been raised previously.
2. Whether plaintiffs' decision not to oppose M&T Bank's prior motion to quiet title deprived them of a full and fair opportunity to litigate.

#### **HOLDINGS**

1. Plaintiffs' claims were barred by res judicata because they arose from the same transaction between identical parties and could have been raised in the prior quiet-title action.
2. Plaintiffs' tactical decision not to oppose the prior motion did not alter the res judicata analysis because they had a full and fair opportunity to litigate.

#### **KEY QUOTATIONS**

*“Plaintiffs' claims are barred by res judicata by the prior judgment granting defendant M&T's motion to quiet title under RPAPL article 15.”*

*“This is not altered by plaintiffs' tactical decision not to oppose the motion.”*

#### **FACTUAL BACKGROUND**

The plaintiffs had previously litigated a foreclosure action involving M&T Bank. In the prior action, M&T Bank obtained a judgment granting its motion to quiet title under RPAPL article 15. The plaintiffs were properly and timely served with that motion but chose not to oppose it, and later asserted claims arising from the same transaction.

#### **PROCEDURAL HISTORY**

Supreme Court, New York County, granted defendant M&T Bank's motion to dismiss the complaint as against it. The Appellate Division, First Department, unanimously affirmed the order without costs.

#### **DISPOSITION**

affirmed

#### **CASES CITED**

- Platon v. Linden-Marshall Contr. Inc., 176 A.D.3d 409, 410 (1st Dep't 2019)

#### **OPINION**

#### **PER CURIAM.**

Chauhan v AS Helios LLC (2021 NY Slip Op 01191) Chauhan v AS Helios LLC 2021 NY Slip Op 01191 Decided on February 25, 2021 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: February

25, 2021 Before: Manzanet-Daniels, J.P., Kern, Kennedy, Scarpulla, JJ. Index No. 156579/19 Appeal No. 13215 Case No. 2020-01826 [\*1]Pushpa Chauhan et al., Plaintiffs-Appellants, vAS Helios LLC et al., Defendants, M&T Bank Also Known as Manufacturers and Traders Trust Company, Defendant-Respondent.

Petroff Amshen LLP, Brooklyn (James Tierney of counsel), for appellant. Herrick, Feinstein LLP, New York (Elena T. McDermott of counsel), for respondent. Order, Supreme Court, New York County (Arlene P. Bluth, J.), entered on or about January 21, 2020, which granted defendant M&T Bank's motion to dismiss the complaint as against it, unanimously affirmed, without costs.

Plaintiffs' claims are barred by res judicata by the prior judgment granting defendant M&T's motion to quiet title under RPAPL article 15. These claims arose out of the same transaction between identical parties and could have been raised in the prior action (Platon v Linden-Marshall Contr. Inc., 176 AD3d 409, 410 [1st Dept 2019]). Plaintiffs, who had fully litigated the prior foreclosure action, and were properly and timely served with M&T's motion to quiet title, had a full and fair opportunity to litigate.

This is not altered by plaintiffs' tactical decision not to oppose the motion (id.). We have considered appellants' other arguments and find them unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: February 25, 2021