

**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)