

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Deutsche Bank National Trust Company, as Trustee v. Jean LeTennier, Also Known as Jean Michel LeTennier and Jean M. LeTennier

2026 NY Slip Op 00040 (Appellate Division of the Supreme Court of the State of New York Third Department 2026) · No. CV-23-0713 · Decided January 8, 2026

SUMMARY

The Appellate Division, Third Department, affirmed orders arising from a mortgage foreclosure action, including the denial of defendant Jean LeTennier’s motion to vacate and orders restricting his future applications. The court deemed challenges to certain orders abandoned and rejected renewed challenges to the plaintiff’s standing. It also held that the submission of fabricated legal authorities and misrepresentations involving generative artificial intelligence constituted frivolous conduct, imposing monetary sanctions of \$7,500 on defense counsel and \$2,500 on LeTennier.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Fisher, J.; Aarons, J.P.; Reynolds Fitzgerald, J.; Ceresia, J.; McShan, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	January 8, 2026
DOCKET	CV-23-0713
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from three Delaware County Supreme Court orders denying relief from prior foreclosure orders, requiring future applications by order to show cause, and declining to sign an order to show cause. Plaintiff moved to dismiss the appeal, strike portions of the appellate papers, and impose sanctions.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion; precedential within applicable New York courts.
PARTIES	Jean LeTennier, also known as Jean Michel LeTennier and Jean M. LeTennier v. Deutsche Bank National Trust Company, as Trustee

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QUESTIONS PRESENTED

1. Whether Supreme Court properly denied defendant's motion under CPLR 5015 based on alleged newly discovered evidence, fraud, misrepresentation, or misconduct.
2. Whether defendant's appeals from the August 2024 and September 2024 orders were abandoned because he failed to challenge those orders in his initial appellate brief.
3. Whether submitting fabricated legal authorities and misrepresenting legal authorities constituted frivolous conduct subject to sanctions under 22 NYCRR 130-1.1.
4. Whether the appeal itself was frivolous and warranted additional sanctions against defendant and his counsel.
5. Whether attorneys and litigants may use generative artificial intelligence in preparing court submissions and what verification obligations accompany that use.

HOLDINGS

1. Defendant was not entitled to vacatur based on newly discovered evidence or alleged fraud because he failed to show that the evidence could not have been discovered earlier through due diligence, and his fraud allegations were conclusory and unsupported.
2. Defendant abandoned his appeals from the August 2024 and September 2024 orders by failing to raise any challenge to those orders in his initial brief.
3. Submitting fabricated legal authorities is frivolous conduct under 22 NYCRR 130-1.1(c)(1) and may warrant monetary sanctions, even when the fabricated citations allegedly state accurate legal principles.
4. Use of generative artificial intelligence to assist in preparing court submissions is not prohibited, but attorneys and litigants remain obligated to apply human oversight and fact-check and cite-check every filing; failure to do so may be sanctionable depending on the circumstances.
5. The appeal was frivolous and warranted sanctions of \$2,500 against defense counsel and \$2,500 against defendant, in addition to the \$5,000 sanction imposed on defense counsel for fabricated authorities.

KEY QUOTATIONS

*“It is axiomatic that submission of fabricated legal authorities is completely without merit in law and therefore constitutes frivolous conduct” (*5)*

*“As with the work from a paralegal, intern or another attorney, the use of GenAI in no way abrogates an attorney's or litigant's obligation to fact check and cite check every document filed with a court.” (*7)*

FACTUAL BACKGROUND

Jean LeTennier executed a note in 2006 secured by a mortgage on Delaware County real property and later defaulted. Deutsche Bank commenced foreclosure in 2018, established standing through physical delivery of the note before commencement, and obtained summary judgment and a judgment of foreclosure and sale. LeTennier thereafter repeatedly challenged the foreclosure and standing, submitted numerous pro se and counseled filings, and during the appeal filed papers containing at least 23 fabricated legal authorities and inaccurate propositions.

PROCEDURAL HISTORY

Defendant defaulted on a mortgage note, and plaintiff commenced a foreclosure action in 2018. Supreme Court granted plaintiff summary judgment after finding that plaintiff had standing through prior physical delivery of the note; the Appellate Division affirmed that order in 2020. After the foreclosure judgment, defendant filed repeated motions seeking renewal, reargument, vacatur, disclosure, and other relief. Supreme Court denied the challenged motions, found defendant's conduct frivolous and vexatious, required future motions by order to show cause, and imposed or threatened sanctions. During the appeal, defendant and his counsel submitted at least 23 fabricated case authorities and misrepresented authorities, prompting sanctions proceedings.

DISPOSITION

affirmed

CASES CITED

- 189 A.D.3d 222, 225 (3d Dep't 2020)
- HSBC Bank USA, N.A. v. Sage, 143 A.D.3d 1214, 1215 (3d Dep't 2016)
- Matter of Romine v. New York Pub. Serv. Comm'n, 209 A.D.3d 1197, 1198 (3d Dep't 2022)
- Wall St. Mtge. Bankers, Ltd. v. Rodgers, 148 A.D.3d 1088, 1089 (2d Dep't 2017)
- Carlson v. Dorsey, 161 A.D.3d 1317, 1320 (3d Dep't 2018)
- Wells Fargo, N.A. v. Levin, 101 A.D.3d 1519, 1521 (3d Dep't 2012)
- Matter of Shannon, 240 A.D.3d 1021, 1022 (3d Dep't 2025)
- Amici v. Mazza, 234 A.D.3d 1170, 1172 n.2 (3d Dep't 2025)
- Wadsworth v. Walmart Inc., 348 F.R.D. 489, 492-493, 495 (D. Wyo. 2025)
- Mata v. Avianca, Inc., 678 F. Supp. 3d 443, 448, 461 (S.D.N.Y. 2023)
- Sanders v. United States, 176 Fed. Cl. 163, 168-169 (Fed. Cl. 2025)
- Green Bldg. Initiative, Inc. v. Peacock, 350 F.R.D. 289, 292 (D. Or. 2025)
- Kruglyak v. Home Depot U.S.A., Inc., 774 F. Supp. 3d 767, 770 (W.D. Va. 2025)
- Matter of Richburg, 671 B.R. 918, 924 n.11 (Bankr. D.S.C. 2025)
- Ader v. Ader, 87 Misc. 3d 1213(A), *1-*2 (Sup. Ct. N.Y. County 2025)
- Bell v. State of New York, 96 N.Y.2d 811, 812 (2001)
- Matter of Minister, Elders & Deacons of Refm. Prot. Dutch Church of City of N.Y. v. 198 Broadway, 76 N.Y.2d 411, 414-415 (1990)

- Engel v. CBS, Inc., 93 N.Y.2d 195, 207 (1999)
- Levy v. Carol Mgmt. Corp., 260 A.D.2d 27, 34 (1st Dep't 1999)
- De Ruzzio v. De Ruzzio, 287 A.D.2d 896, 897-898 (3d Dep't 2001)
- Noland v. Land of the Free, L.P., 114 Cal. App. 5th 426, 442, 449, 336 Cal. Rptr. 3d 897, 911-912 (Cal. Ct. App. 2025)
- Kruse v. Karlen, 692 S.W.3d 43, 50-54 (Mo. Ct. App. 2024)

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