

181 A.D.3d 789
Supreme Court, Appellate Division, Second
Department, New York.

CITIMORTGAGE, INC., etc.,
Respondent,
v.
Daniel A. BRAUSCH, Appellant, et al.,
Defendants.

2017-09605
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2017-09607
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(Index No. 601069/15)
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Submitted—November 13, 2019
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March 18, 2020

In an action to foreclose a mortgage, the defendant Daniel A. Brausch appeals from (1) an order of the Supreme Court, Suffolk County (C. Randall Hinrichs, J.), dated June 30, 2017, and (2) an order of the same court, also dated June 30, 2017. The first order, insofar as appealed from, granted those branches of the plaintiff's motion which were for summary judgment on the complaint insofar as asserted against that defendant, to strike his answer and affirmative defenses, and for an order of reference. The second order, insofar as appealed from, granted that branch of the plaintiff's motion which was for summary judgment on the complaint insofar as asserted against that defendant, directed dismissal of that defendant's affirmative defenses and counterclaims, and appointed a referee to compute the amount due to the plaintiff.

Attorneys and Law Firms

Fred M. Schwartz, Smithtown, NY, for appellant.

David A. Gallo & Associates, LLP (Akerman LLP, New York, N.Y. [Joseph DeFazio and Jordan M. Smith], of counsel), for respondent.

MARK C. DILLON, J.P., LEONARD B. AUSTIN,
SYLVIA O. HINDS-RADIX, LINDA CHRISTOPHER,
PAUL WOOTEN, JJ.

DECISION & ORDER

ORDERED that the orders are affirmed insofar as appealed from, with costs.

For reasons set forth in *429 *HSBC Bank USA, N.A. v. Ozcan* (154 A.D.3d 822, 64 N.Y.S.3d 38), we affirm both orders insofar as appealed from.

DILLON, J.P., AUSTIN, HINDS-RADIX,
CHRISTOPHER and WOOTEN, JJ., concur.

All Citations

181 A.D.3d 789, 118 N.Y.S.3d 428 (Mem), 2020 N.Y. Slip Op. 01904