

FILED
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At an IAS Term, Part FRP-1, of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 26th day of April 2018

PRESENT:

HON. NOACH DEAR,

J.S.C.

Index No.: 13315/13

_____ x

JP MORGAN,

Plaintiff,

DECISION AND ORDER

-against-

ELIZABETH J FELIX ET AL,

Defendant,

_____ x

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Motion	<u>1</u>
Opp/Cross	<u>2</u>
Reply/Opp to Cross	<u>3</u>

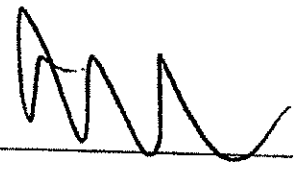
Upon the foregoing cited papers, the Decision/Order on this Motion is as follows:

Defendants' motion to dismiss pursuant to CPLR 3215[c] or to compel acceptance of a late answer is denied in light of Plaintiff's acceptance of the original answer in 2013.

Plaintiff's cross-motion for summary judgment is denied. Among other deficiencies, Plaintiff fails to demonstrate compliance with RPAPL 1304.

Parties to complete discovery and proceed to trial.

ENTER:



Hon. Noach Dear, J.S.C.