

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**FIRST AMERICAN TITLE INSURANCE
COMPANY, assignee and successor in
interest by assignment from PNC
BANK NATIONAL ASSOCIATION,**

Plaintiff,

v.

DAVID SADEK, ETTY SADEK, et al.,

Defendants.

Civ. No. 11-1302 (KM)(MAH)

ORDER

This matter comes before the Court on the motion (ECF no. 199) of plaintiff First American Title Insurance Company and on the motion (ECF. no. 207) of defendant David Sadek for summary judgment pursuant to Federal Rule of Civil Procedure 56; and the defendant David Sadek having opposed plaintiff's motion (ECF no. 207); and the plaintiff having opposed defendant David Sadek's motion (ECF no. 210); and the Court having reviewed the moving (ECF nos. 199, 207), opposition (ECF nos. 207, 210), and reply papers (ECF no. 210, 213); and defendant Ety Sadek having not filed any papers in opposition to plaintiff's motion; for the reasons set forth in the accompanying Opinion, and for good cause shown;

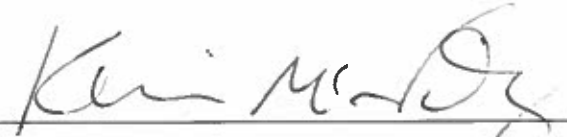
IT IS this 29th day of December 2017,

ORDERED AND ADJUDGED, in accordance with the accompanying Opinion and pursuant to Federal Rule of Civil Procedure 56, that the plaintiff's motion for summary judgment as to Count V of the Second Amended Complaint (Conversion) (ECF no. 93) against defendants David Sadek and Ety Sadek is **GRANTED**;

And, in accordance with the accompanying Opinion and pursuant to Federal Rule of Civil Procedure 56, that plaintiff's motion for summary

judgment and defendant David Sadek's motion for summary judgment as to Count II of the Seconded Amended Complaint (Fraud) (ECF no. 93) and as to the dischargeability of the judgments in bankruptcy is **DENIED**.

The matter is referred to the Magistrate Judge so that it can be postured for trial.


HON. KEVIN MCNULTY, U.S.D.J.