

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. DEBRA A. JAMES PART IAS MOTION 59EFM

Justice

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INDEX NO. 155201/2019

YURIY MARGULIS, JADE REAL ESTATE INVESTMENTS, LLC, MCD REALTY TRUST, and PETRO FEDIV,

MOTION DATE 11/19/2019

Petitioners,

MOTION SEQ. NO. 001

- v -

FOREST ZLOCHIVER,

DECISION + ORDER ON MOTION

Respondent.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37

were read on this motion to/for ENFORCEMENT

ORDER

Upon the foregoing documents, it is

ORDERED that petitioners' motion to compel the deposition of respondent and the respondent's cross motion for a protective order are granted to the following extent: it is

ORDERED that on or before January 31, 2020, respondent non-party Forest Zlochiver shall appear for an examination before trial, which was previously duly noticed on March 29, 2019 pursuant to the Uniform Interstate Deposition and Discovery Act and CPLR S 3119, and have copies of records material to his testimony; and it is further

ORDERED that such deposition shall take place at a New York State location, on a date and time, convenient to respondent, as

well as the parties in Jade Real Estate Investments LLC v Britton and Avondale, LLC, Norfolk Superior Court, Norfolk County, Originating Case No. 1682CV00023 (Massachusetts); and it is further

ORDERED that the deposition shall be supervised by a referee pursuant to CPLR § 3104, 22 NYCRR §§ 208.12 and 221.1, who will be designated by the court upon request of the parties to the herein proceedings, or be a named attorney stipulated to by such parties, whose fees shall be paid and equally shared by such parties upon the rendering of an invoice by such named attorney; and it is further

ORDERED to the extent the respondent seeks sanctions and attorneys fees, such motion is denied.

DECISION

See Slabakis v Drizin, 207 AD2d 45, 46-48 (1st Dept. 1985).

11/20/2019

DATE

Debra A. James
DEBRA A. JAMES, J.S.C.

CHECK ONE:

<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
<input type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input checked="" type="checkbox"/> GRANTED IN PART
<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/> OTHER
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT
			<input type="checkbox"/> REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: