

St. Surin v New York Times Co.
2026 NY Slip Op 30882(U)
February 2, 2026
Supreme Court, Kings County
Docket Number: Index No. 529576/2021
Judge: Francois A. Rivera
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.
This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part 52 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on the 2nd day of February 2026

HONORABLE FRANCOIS A. RIVERA

-----X
BRHONSON LEXIER ST. SURIN,

Plaintiff,

- against -

THE NEW YORK TIMES COMPANY, (d/b/a The New York Times, and NYTimes.com),
JEANNETTE CATSOULIS (personally and in her professional capacity as Contributor and Movie Critic for The New York Times),
TAPE PRODUCTIONS, LLC (d/b/a TapeVirtualPremiere.com),
FULL MOON FILMS NY INC. (d/b/a TheTapeMovie.com, and FullMoonFilmsNY.com),
DEBORAH KAMPMEIER (personally and in her professional capacity as Writer, Producer and Director for Tape),
ANNAROSA F. MUDD (personally and in her professional capacity as Producer for Tape),
ANSYLCARPENTER (a/k/a William Butler; d/b/a Limelight Productions, Clutch Films, ClutchFilms.net),
KAMERON CASEY-HOLLOWAY,
JANE DOE ONE (performs as "Victim #1" and "Victim #3" in Ansyl Carpenter's Infamous),
JANE DOE TWO (performs as "Victim #1" and "Victim #2" in Ansyl Carpenter's Infamous),
JANE DOE THREE (represented as "Victim #3" in Ansyl Carpenter's Infamous), JANE DOE FOUR (represented as "Victim #2" in Ansyl Carpenter's Infamous), JANE DOE FIVE (heard whispering questions to ask alleged victims in Ansyl Carpenter's Infamous), FAIRCHILD LAW, LLC.,
STEVEN ROYAL FAIRCHILD (personally and in his

DECISION & ORDER

Index No.: 529576/2021

Fully Submitted: 1/22/2026

Cal. No.: 44

Ms. Seq. No.: 12

professional capacity as attorney), NIKKOL IRENE WADE,
 AMBER RACHEL NEELY, and ANNE THERESE GENNARI
 (née Bengtsson)

Defendants.

-----X

Recitation in accordance with CPLR 2219 (a) of the papers considered on the notice of motion filed on November 24, 2025, under motion sequence number twelve, by Brhanson Lexier St. Surin (hereinafter the plaintiff) for an order:¹

- (i) pursuant to CPLR 3211(g)(1) [demonstration of SLAPP], compelling the Fairchild defendants to bear their initial burden, on the record, by establishing that plaintiff's action or claim is a SLAPP suit;
- (ii) pursuant to CPLR 3211(g)(3) [limited discovery], granting leave to take specified discovery on the issues of, among other things, the entitlement to, and the reasonableness of, the attorney's fees stated in defendants' instant application dated the 1st of August 2025 (see NYSCEF Doc. Nos. 205-212);
- (iii) pursuant to CPLR 2004 [extension of time], granting an extension of time to oppose the Fairchild defendants' application for attorney's fees;
- (iv) staying all proceedings pending the completion of limited discovery;
- (v) pursuant to UCR 202.12 [preliminary conference], directing the parties to a preliminary conference for the purposes of conferring on limited discovery and for issuing a scheduling order;
- (vi) pursuant to CPLR § 2218 [trial of issue raised on motion], granting a hearing to determine (a) whether Exhibit 1 to MS10 (Dkt. No. 178) is a true and correct screenshotcopy of defendant Neely's profile page on LiveJasmin, (b) whether the Fairchild defendants' motions, to wit MS2-4, MS6, MS7, MS9 and MS11, should be stricken based upon the commission of fraud on the court for the purpose of, among other things, unjustly enriching themselves through the fraudulent recovery of attorney's fees, and (c) whether this Court was within its continuing jurisdiction when it determined to reargue MS2-4 several months after dismissing plaintiff's complaint with prejudice;
- (vii) pursuant to 22 NYCRR 216.1 [unsealing of court records], granting an order determining whether the Fairchild defendants had good cause for the sealing relief sought in MS11, and if not, directing the Clerk of the Court to unseal NYSCEF Doc. No. 178;

¹ The relief sought is take verbatim from the plaintiff's notice of motion.

(viii). staying all proceedings pending the completion of limited discovery. The motion is opposed.²

- Notice of motion
- Affirmation in support
Exhibits 1-3
- Affirmation in opposition
- Affirmation in reply
Exhibits 1-3

BACKGROUND

On November 18, 2021, plaintiff commenced the instant action by filing a summons and complaint (hereinafter the commencement papers) for defamation per se and breach of right of publicity pursuant to New York civil rights law section 51 against the named defendants in the caption.

Relevant Procedural History

By notice of motion filed on March 29, 2022, under motion sequence number two, defendants Steven R. Fairchild and Fairchild Law LLC moved for an order dismissing the plaintiff's complaint pursuant to CPLR 3211 (a) (5), (7), and (g), and awarding mandatory reasonable fees and costs to them under Civil Rights Law § 70-a.

By notice of motion filed on April 14, 2022, under motion sequence number three, defendant Tape Productions LLC moved for an order dismissing the plaintiff's complaint pursuant to CPLR 3211 (a) (5), (7), and (g), and awarding mandatory reasonable fees and costs to them under Civil Rights Law § 70-a.

² On January 22, 2026, the plaintiff appeared for oral argument and the defendants did not. At the plaintiff's request all motion papers were considered on submission without oral argument.

By notice of motion filed on August 19, 2022, under motion sequence number four, defendants Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Anysl Xavier Carpenter, and Kameron L. Casey-Holloway moved for an order dismissing the plaintiff's complaint pursuant to CPLR 3211 (a) (5), (7), (8), and (g), and awarding mandatory reasonable fees and costs to them under Civil Rights Law § 70-a.

By notice of motion filed on January 15, 2023, under motion sequence number five, plaintiff, sought an order: (1) pursuant to CPLR 2004, granting plaintiff an extension of time, nunc pro tunc, to submit opposition papers against defendants' anti-SLAPP motions to dismiss under motion sequence number two, three, and four and (2) granting virtual access to the Court for the purposes of making a virtual appearance remotely.

By notice of motion filed on February 10, 2023, under motion sequence number six, defendants Steven R. Fairchild, Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Anysl Xavier Carpenter, Tape Productions LLC and Kameron L. Casey-Holloway jointly moved for an order pursuant to 22 NYCRR 130-1.1, holding plaintiff liable for reasonable attorney's fees and costs to compensate for the time required by the moving defendants' counsel to respond to plaintiff's frivolous claims; and to pay sanctions to the Clerk of the Court in light of the same conduct.

By notice of motion filed on July 19, 2023, under motion sequence number seven, Steven R. Fairchild, Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier,

Anysl Xavier Carpenter, Tape Productions LLC and Kameron L. Casey-Holloway jointly moved for an order pursuant to Civil Rights Law § 70-a awarding them attorney's fees, and other compensatory, and punitive damages.

By notice of cross-motion filed on October 23, 2023, under motion sequence number eight, plaintiff moved for an order: (1) pursuant to CPLR 2004 granting plaintiff an extension of time to submit sur-reply/supplemental papers in further opposition to motion sequence number six and seven, (2) granting leave, nunc pro tunc, to file sur-reply/supplemental papers in response to new facts introduced by the defendants, post-dismissal of plaintiff's complaint, during an evidentiary hearing on motion sequence number six and an extension of time to supplement plaintiff's opposition to motion sequence number seven, and (3) conducting a joint fact-finding inquiry on motion sequence number six and seven to resolve any genuine issues of triable fact raised in or about both motions.

By decision and order filed under NYSCEF number 139 and issued on January 26, 2024 (hereinafter the January 2024 order) the Court decided motion sequence number five, six, seven, and eight as follows:

The motion by plaintiff under sequence number five, for an order pursuant to CPLR 2004 granting plaintiff an extension of time, nunc pro tunc, to submit opposition papers against defendants' anti-SLAPP motions to dismiss under motion sequence number two, three, and four and (2) granting virtual access to the Court for the purposes of making a virtual appearance remotely was denied.

The motion by defendants Steven R. Fairchild, Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Anysl Xavier Carpenter, Tape Productions LLC and Kameron L. Casey-Holloway, under motion sequence number six, for an order pursuant to 22 NYCRR 130-1.1, holding plaintiff liable for reasonable attorney's fees and costs to compensate for the time required by the moving defendants' counsel to respond to plaintiff's frivolous claims; and to pay sanctions to the Clerk of the Court in light of the same conduct was denied.

The motion by defendants Steven R. Fairchild, Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Anysl Xavier Carpenter, Tape Productions LLC and Kameron L. Casey-Holloway under motion sequence number seven, for an order pursuant to Civil Rights Law § 70-a awarding them attorney's fees, and other compensatory, and punitive damages was denied.

The cross-motion by plaintiff under motion sequence number eight, for an order pursuant to CPLR 2004 granting plaintiff an extension of time to submit sur-reply/supplemental papers in further opposition to motion sequence number six and seven; and granting leave, nunc pro tunc, to file sur-reply/supplemental papers in response to new facts introduced by the defendants, post-dismissal of plaintiff's complaint, during an evidentiary hearing on motion sequence number six and an extension of time to supplement plaintiff's opposition to motion sequence number seven;

and conducting a joint fact-finding inquiry on motion sequence number six and seven to resolve any genuine issues of triable fact raised in or about both motions was denied.

By notice of motion filed on February 12, 2024, under motion sequence number nine, defendants Steven R. Fairchild and Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Anysl Xavier Carpenter, Tape Productions LLC and Kameron L. Casey-Holloway jointly moved for an order granting leave to reargue and renew motion sequence number two, three, four, and seven pursuant to CPLR 2221(d), (e), and (f), where the defendants previously moved this Court to determine that Brhanson Lexier St. Surin was liable for attorney fees and other damages pursuant to CPLR 70-a, 76-a, and 3211 (g) (collectively, New York's Anti-SLAPP Law).

By decision and order dated January 31, 2025, and filed under NYSCEF number 169 (hereinafter the January 2025 order), the Court decided motion sequence number nine as follows.

Pursuant to CPLR 2221 (d), (e), the Court denied the branch of the defendants' motion seeking renewal but granted the branch of the motion seeking re-argument on motion sequence two, three, four and seven to the extent that the subject orders denied the applicability of CPLR 70-a, 76-a, and 3211 (g). The Court further set an adjourned for January 31, 2025, to give the plaintiff an opportunity to produce evidence and present arguments demonstrating that there was a substantial basis of fact and law to commence and continue the litigation asserting claims against the defendants for defamation to avoid liability under CPLR 70-a, 76-a, and 3211 (g).

On January 31, 2025, the plaintiff did not present any witnesses. He filed on the NYSCEF system screenshots of various internet videos which he alleged contain defamatory material that supported the complaint. The court notified the parties that the court's computer blocks viewing internet videos, and thus they could not be examined at that time. The court set another hearing date to commence on April 11, 2025, at 10:30 AM, at which time the plaintiff would be able introduce the internet videos on a computer that would be visible to the court and the defendants and any other evidence in support of the contention that the lawsuit had a substantial basis.

At the April 11, 2025 hearing, Mr. Fairchild Esq. appeared on behalf of the defendants. The plaintiff did not appear, but sent an email to the court on April 11, 2025, at 8:48 a.m., the same morning plaintiff was scheduled to appear and to submit his proofs, which stated the following:

“Today, at 10:30 AM, I have an appointment in Part 52 to present evidence to the Court in compliance with a court order determining MS9 (See NYSCEF Doc. No. 169). However, due to an unforeseeable travel emergency, I won't arrive back home in NYC until around 10:15 to 10:45 AM. I respectfully request that this morning hearing be rescheduled to an afternoon time slot. To best accommodate the Court, I've cancelled all of my afternoon appointments. Please let me know as soon as possible if my request can be accommodated.”

The email from the plaintiff did not explain or provide any detail as to the circumstances of the alleged travel emergency. It also requested that the court reschedule the morning session to the afternoon and let the plaintiff know as soon as possible if the plaintiff's request could be accommodated. The plaintiff volunteered that he had

cancelled his afternoon appointments to best accommodate the court. The plaintiff never appeared or followed up after issuing the above referenced e-mail.

By decision and order dated April 14, 2025, and filed under NYSCEF number 192, the Court made the following findings, among others.

April 11, 2025, was the date scheduled for the plaintiff to present evidence that he had a substantial basis of fact and law to commence and to continue the lawsuit. The plaintiff failed to meet this burden. Consequently, the branch of the defendants' application for attorney's fees pursuant to New York's anti-SLAPP law was granted. The defendants were directed to present an application for attorney's fees with an explanation of how the amount requested was determined by filing same on or before August 1, 2025. Plaintiff was to file any response to the defendants' request for attorney's fees on or before August 14, 2025, and the defendants were to reply to the plaintiff's response by September 1, 2025. The matter was adjourned to September 4, 2025, at 10:00 am. After rescheduling the matter was heard on November 6, 2025.

By decision and order dated January 13, 2026, the Court decided the above referenced motions and cross motions as follows:

The defendants Steven R. Fairchild, Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Ansyl Xavier Carpenter, Tape Productions LLC and Kameron L. Casey-Holloway motion for an order granting attorney's fees pursuant to Civil Rights Law § 70-a, against plaintiff Brhonsoon Lexier St. Surin was granted in the total sum of \$72,000.00.

The defendants Steven R. Fairchild, Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Ansyl Xavier Carpenter, Tape Productions LLC and Kameron L. Casey-Holloway for an order granting costs was denied.

The defendants Steven R. Fairchild, Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Ansyl Xavier Carpenter, Tape Productions LLC and Kameron L. Casey-Holloway for an order granting an award for punitive damages was denied.

The motion by Brhanson Lexier St. Surin under motion sequence number ten, for among other things, sanctions against defendant Steven R. Fairchild and Amber Rachel Neely was denied in its entirety.

The cross-motion by defendants Tape Productions, LLC, Steven R. Fairchild, Esq., Fairchild Law, LLC, Amber Rachel Neely, Nikkol Irene Wade, Anne Therese Gennari, Full Moon Films NY Inc., Annarosa Mudd, Deborah Kampmeier, Ansyl Xavier Carpenter, and Kameron L. Casey-Holloway under motion sequence number eleven for an order pursuant to 22 NYCRR 130-1.1, holding plaintiff liable for, among other things, reasonable attorney's fees and costs to compensate for the time required by cross-moving defendants' counsel to respond to plaintiff's frivolous motion for sanctions under sequence number ten was denied.

Because of the Court's decision and order dated January 13, 2026, the instant motion by plaintiff Brhanson Lexier St. Surin seeks relief that is either unsupported,

untimely, already decided, or rendered either moot or academic. Accordingly, the motion is denied in its entirety on that basis.

CONCLUSION

The branch of the motion by plaintiff Brhonson Lexier St. Surin for an order pursuant to CPLR 3211(g)(1) [demonstration of SLAPP], compelling the Fairchild defendants to bear their initial burden, on the record, by establishing that plaintiff's action or claim is a SLAPP suit has already been decided against the plaintiff and is denied.

The branch of the motion by plaintiff Brhonson Lexier St. Surin for an order pursuant to CPLR 3211(g)(3) granting leave to take specified discovery on the issues of, among other things, the entitlement to, and the reasonableness of, the attorney's fees stated in defendants' instant application dated the 1st of August 2025 is denied.

The branch of the motion by plaintiff Brhonson Lexier St. Surin for an order pursuant to CPLR 2004 granting an extension of time to oppose the Fairchild defendants' application for attorney's fees is untimely and is denied.

The branch of the motion by plaintiff Brhonson Lexier St. Surin for an order staying all proceedings pending the completion of limited discovery is denied.

The branch of the motion by plaintiff Brhonson Lexier St. Surin for an order pursuant to UCR 202.12 directing the parties to a preliminary conference for the purposes of conferring on limited discovery and for issuing a scheduling order is denied.

The branch of the motion by plaintiff Brhonson Lexier St. Surin for an order

pursuant to CPLR § 2218 is denied.

The branch of the motion by plaintiff Brhonsoon Lexier St. Surin for an order pursuant to 22 NYCRR 216.1 granting an order determining whether the Fairchild defendants had good cause for the sealing relief sought in MS11, and if not, directing the Clerk of the Court to unseal NYSCEF Doc. No. 178 is denied.

The branch of the motion by plaintiff Brhonsoon Lexier St. Surin for an order staying all proceedings pending the completion of limited discovery is denied. The foregoing constitutes the decision and order of this Court.

ENTER:



J.S.C.

HON. FRANCOIS A. RIVERA