Cobb v Setzer
2026 NY Slip Op 30971(U)
March 11, 2026
Supreme Court, New York County
Docket Number: Index No. 654150/2023
Judge: Arlene P. Bluth

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: **HON. ARLENE P. BLUTH** **PART** **14**

Justice

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CRYSTAL COBB,

Plaintiff,

- v -

RIDVAN SETZER, 1A CONSTRUCTION LLC,MKNK WASTE REMOVAL, INC.

Defendant.

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INDEX NO. 654150/2023

MOTION DATE 03/05/2026

MOTION SEQ. NO. 004

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 004) 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 87, 88, 89, 90, 91, 92, 93

were read on this motion to/for DISCOVERY.

Plaintiff's motion for discovery is decided as described below.

Background

Plaintiff alleges that she hired defendants to perform work on her apartment in Manhattan and brought this breach of contract case against them, alleging that the work was never completed and that the work that was done was performed negligently. Plaintiff further alleges that defendant Rivian Setzer represented himself as being the manager of defendant 1A Construction LLC ("1A"), despite the fact that no such LLC existed. Plaintiff further claims that neither defendant 1A nor MKNK Waste Removal, Inc. were licensed to perform the work for which they were hired.

In this discovery motion, plaintiff seeks to strike defendants' answer on the ground that their responses to plaintiff's interrogatories and discovery demands were improper. She

emphasizes that defendants failed to identify which documents are responsive to each request, made untimely objections and, generally, did not provide any substantive information. Plaintiff also complains that defendants only recently served their own discovery demand that is both untimely and includes improper phrases such as seeking "all" records pertaining to a specific request.

In opposition, defendants contend that their responses were timely and that they properly objected to plaintiff's interrogatories. They contend that the interrogatories seek detailed evidentiary narratives that are not permitted in this discovery device. Defendants maintain that they were not required to identify the specific documents produced in relation to the document request.

In reply, plaintiff contends that defendants have deliberately disregarded the CPLR and her motion should be granted in its entirety.

The Court did not consider defendants' "reply" as defendants did not properly make a cross-motion and so they were not entitled to file a reply. Defendants did not file a notice of cross-motion or pay the required fee.

Discussion

As an initial matter, the Court observes that defendants' responses are timely. The Court issued a discovery order dated January 21, 2026 that directed them to respond to the aforementioned interrogatories by January 30, 2026 (NYSCEF Doc. No. 72). The responses were dated by this deadline (NYSCEF Doc. Nos. 80, 81). Therefore, the Court rejects plaintiff's insistence that despite this Court deadline, defendants were precluded from raising certain objections based on timeliness.

On the substance of the interrogatories, the Court finds that defendants' objections that the interrogatories were both overbroad and unduly burdensome are entirely correct. "[I]t is beyond dispute that interrogatories are useful for the purpose of determining the existence of documents to set the stage for meaningful depositions" (*Brandon v Chefetz*, 101 AD2d 786, 786, 476 NYS2d 2[1st Dept 1984]).

Here, interrogatories 6-25 demand that defendant "State with specificity each and every fact supporting the allegations" in defendants' counterclaims and affirmative defenses." In this Court's view, these are not proper interrogatories – it causes predictable objections and leads to a waste of time. This type of discovery device should be used to request specific information rather than demand an opposing party detail the entire basis of a counterclaim. That type of request ensures that a response will be unduly burdensome and, of course, it is probably better to inquire at a deposition. As it is not his Court's job to prune discovery devices, plaintiff may serve another set of interrogatories but this time must ask specific questions about the counterclaim, not just demand every fact.

With respect to the document responses by defendants (NYSCEF Doc. No. 81), the Court requires defendants to identify the specific documents (i.e. Bates stamp number if applicable) in this response. Whether or not it is "technically" required is of no moment. It is entirely sharp practice to simply say "Defendants refer to documents produced herein" when responding to a document request. To tell the opposing side, essentially, "go find it somewhere in our production" is not a way to move a case forward. It simply causes the types of motions at issue here. It also wastes time.

The Court also grants plaintiff's request for a protective order but only with respect to defendants' notice for discovery and inspection. As discovery is apparently nowhere close to completion, there is no basis to find that these discovery devices are somehow untimely. And the Court set a January 30, 2026 deadline for defendants' to serve these demands, a timeline with which they complied.

However, the document requests repeatedly seek "All" documents, communications, etc. Seeking all documents is overbroad. For instance, defendants ask for "All documents upon which Plaintiff relies in support of any claim asserted in the Amended Complaint" and "All other documents that Plaintiff may use at deposition, motion practice, or trial in this action. (NYSCEF Doc. No. 83, ¶¶ 18, 19)). While, typically, parties will simply work together to respond to discovery, that is not the case in this matter. Defendants are free to serve another set of document requests that are more targeted to the information they seek. However, the interrogatories are entirely appropriate, and plaintiff must respond to this discovery request on or before March 18, 2026.

The Court denies all requests for sanctions. Simply because the parties seem intent on fighting about nearly every aspect of discovery is not a basis for sanctions. Plus, defendant did not properly cross-move and so their request is denied on procedural grounds. The parties are reminded that this is a Supreme Court litigation and requests for sanctions should be reserved for particularly egregious conduct.

Accordingly, it is hereby

ORDERED that plaintiff's motion is granted only to the extent that defendants must provide the specific documents they are referencing in their response to plaintiff's document demands on or before March 18, 2026 and she is entitled to a protective order with respect to defendants' document demands; and it is further

ORDERED that plaintiff must respond to defendants' interrogatories on or before March 18, 2026.

All other requests for relief are denied.

See NYSCEF Doc. No. 72 regarding the next conference.

3/11/2026
DATE

ARLENE P. BLUTH, J.S.C.

CHECK ONE:		CASE DISPOSED			X	NON-FINAL DISPOSITION	
		GRANTED		DENIED	X	GRANTED IN PART	OTHER
APPLICATION:		SETTLE ORDER				SUBMIT ORDER	
CHECK IF APPROPRIATE:		INCLUDES TRANSFER/REASSIGN				FIDUCIARY APPOINTMENT	REFERENCE