

Zeidman v Harrison L. Chen, DDS, P.C.

2026 NY Slip Op 31136(U)

March 19, 2026

Supreme Court, New York County

Docket Number: Index No. 656793/2022

Judge: Arlene P. Bluth

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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ARLENE P. BLUTH PART 14

Justice

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ANDREW ZEIDMAN,

Plaintiff,

- v -

HARRISON L. CHEN, DDS, P.C. A/K/A HARRISON CHEN,
DDS, P.C., HARRISON CHEN

Defendants.

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INDEX NO. 656793/2022

MOTION DATE 03/16/2026

MOTION SEQ. NO. 007

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 007) 197, 198, 199, 200, 201, 202, 203, 204, 205

were read on this motion to/for DISCOVERY.

Defendants’ motion to compel is decided as described below.

Background

In this dispute concerning a dental practice, plaintiff initially alleged that he sold his dental practice to defendant and that defendant has not paid him what he is owed with respect to that transaction. In a prior motion, plaintiff had simultaneously argued that defendant’s corporate entity should not be permitted to pursue counterclaims against him on the ground that this entity was improperly named (by plaintiff himself) in the caption but that plaintiff could nevertheless pursue damages against this entity.

In this motion, defendants contend that plaintiff’s responses to certain interrogatories and document requests were wholly unacceptable and seek an order directing him to substantively respond or face appropriate penalties.

In opposition, plaintiff contends that he properly referred to various responses to document requests and that many of the interrogatories were duplicative of document requests. He insists it was proper to point defendants to these document request responses. Plaintiff asks for 30 days to confirm that he is not in possession of additional responsive documents.

Discussion

Interrogatory responses

Defendants complain specifically about plaintiff's responses to interrogatories 2, 4, 5, 8, 9, 10, 13, 14 and 15. The Court declines to deny this motion on procedural grounds and will consider the issues presented on the merits in order to get this case moving.

The Court finds that plaintiff properly answered interrogatory 2, which demands that plaintiff "identify all documents upon which you relied and all individuals who provided you with information in answering these interrogatories" (NYSCEF Doc. No. 201 at 2). Plaintiff responded that he relied solely upon himself and that any documents were provided under separate cover for the document requests.

This is entirely sufficient. To the extent that defendants want plaintiff to produce documents again, the Court denies that demand. Interrogatories are, in this Court's view, a discovery device utilized to pose specific questions and not a way to make more document requests.

This reasoning compels the Court to find that plaintiff's responses to interrogatories 4, 5, 10, 13, and 14 are sufficient as he points to documents produced in response to specific document requests. To reiterate, this Court declines to make plaintiff produce the same records again and again. And this is not a situation in which plaintiff referred vaguely to an entire document production—he pointed to discreet document requests.

That leaves interrogatories 8, 9 and 15.

Interrogatory 8 requests: “State whether you ever received payments directly for services rendered during your employment by Defendant that were not turned over to Defendant and, if answered in the affirmative, the name of the patients that the payments were received from, the date on which the payments were received by you, what services were provided to the patients, and the date on which the services were provided.” (*id.* at 6).

Plaintiff response is that he received payments from a “Carol Raymer.” As this is a relevant interrogatory (as it deals with monies plaintiff may have received) and plaintiff revealed an individual in response, he should provide the rest of the records sought. Simply providing a name without more is not an adequate response.

Interrogatory 9 seeks: “State whether, since your termination by Defendant, you have treated any patient of Defendant's oral surgery practice or any patients that were treated by you while employed by Defendant and, if answered in the affirmative, set forth the name of each individual, the amount of times you provided services to them, the services that were provided, and the amount charged for such services” (*id.* at 7).

Plaintiff contends that he has not treated any of defendants’ patients. The Court finds that this is responsive. Of course, defendants can question plaintiff further about this issue at a deposition if they believe that more clarification is required.

Interrogatory 15 demands that “Set forth with specificity the itemization of your damages in the amount claimed by you of “not less than two-million (\$2,000,000.00) dollars” (*id.* at 10). Plaintiff responded that “Defendants have failed to pay Plaintiff the amount due and owing the Plaintiff pursuant to the promissory note. Similarly, Plaintiff was promised that he would earn a million a year working for the P.C. by being given the ability to treat Dr. Blank 's patients upon

Dr. Blank's retirement. Not only did Dr. Blank not retire such that Plaintiff was not able to treat his patients, but Plaintiff was prematurely terminated from The P.C., thereby losing the promised income. See also Plaintiff's response to Defendants' Document Request No. 17" (*id.*).

The Court finds this response to be sufficient. It is axiomatic that a party claiming damages will have to prove those damages in a dispositive motion and at trial. This response gives a sufficient answer. The Court is unable to require that plaintiff prove his case as a matter of law in response to an interrogatory.

Document Requests

Defendants also complain about plaintiffs' response to document requests 5, 9, 10, 11 and 17.

Document Request Number 5 demands plaintiff "Produce true copies of any and all payments received directly by you for services rendered during your employment by Defendant that were not turned over to Defendant, and any notes memoranda, general ledgers, or any other documents that would record receipt of such payments" (NYSCEF Doc. No. 202 at 4). As the Court has already required plaintiff to fully respond to interrogatory 8 (which is a nearly identical request), plaintiff shall respond to this as well. If plaintiff has no documents, as he claims, he shall produce a *Jackson* affidavit for this search.

Document Request 9 seeks "Produce true copies of any and all documents that demonstrate the net worth of your dental practice at the time of the Independent Contractor and Asset Purchase Agreements were signed, including but not limited to any documents that show your practice yielded gross annual revenues in excess of \$750,000.00 per year" (*id.* at 6).

Plaintiff merely objected to this request and did not specifically address it in his opposition.

Plaintiff must substantively respond to this request as a key issue here is the value of the dental practice he sold to defendants.

Document Request 10 seeks plaintiff's tax returns. The Court denies that request. Defendants did not meet their burden to show how these records are relevant here—that plaintiff may have been self-employed is not a catch-all reason to require this disclosure. To be sure, plaintiff may want to disclose these records as part of his gross annual revenue showing (if necessary). “[B]ecause of their confidential and private nature, disclosure of tax returns is disfavored, and defendants are required to establish that the information contained in the returns they seek “is indispensable to this litigation and unavailable from other sources” (*Nanbar Realty Corp. v Pater Realty Co.*, 242 AD2d 208, 209, 661 NYS2d 216 [1st Dept 1997] [internal quotations and citations omitted]). On these papers, defendants did not show that the information is indispensable to this case.

With respect to document request 11, which seeks documents showing that plaintiff possesses a “valid ACLS certificate,” plaintiff insists he would produce it under separate cover. Plaintiff shall therefore produce these records by the deadline stated below.

Finally, the Court finds that plaintiff adequately responded to document request 17, which is identical to interrogatory 15 (both seek evidence concerning the \$2 million plaintiff claims he is owed). Plaintiff cited specific Bates stamp numbers.

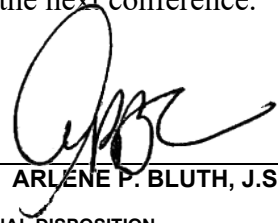
To the extent plaintiff is required to produce records above, plaintiff shall produce such records on or before April 8, 2026.

Accordingly, it is hereby

ORDERED that defendants' motion to compel is granted only to the extent that plaintiff must respond, substantively, to interrogatory 8, document request number 5 (plus a *Jackson* affidavit if necessary for this request), and document requests 9 and 11 on or before April 8, 2026.

Next Conference: See NYSCEF Doc. No. 208 regarding the next conference.

3/19/2026
DATE


ARLENE P. BLUTH, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION		
	<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER		
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE