

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Webber, J.P., Gesmer, Mendez, Rodriguez, Hagler, JJ.

6852

TRB ACQUISITION LLC, et al.,
Plaintiffs-Appellants,

Index No. 651160/21
Case No. 2024-07246

-against-

JACK YEDID,
Defendant-Respondent.

Hogan Lovells US LLP, New York (James L. Bernard of counsel), for appellants.

Order, Supreme Court, New York County (Jennifer G. Schechter, J.), entered November 21, 2024, which granted defendant's motion for attorneys' fees, unanimously reversed, on the law, without costs, the motion denied, and the award vacated.

In light of this Court's holding in *TRB Acquisitions LLC v Yedid*, 239 AD3d 578 [1st Dept 2025]), the motion court's order awarding defendant attorneys' fees in the amount of \$350,000 is reversed and vacated. In *TRB Acquisitions LLC*, this Court reinstated plaintiffs' complaint and expressly held that defendant was not entitled to attorneys' fees, as plaintiffs' action was not a strategic lawsuit against public participation (*see id.* at 579-580).

Plaintiffs' request to have this matter reassigned to a different justice is unpreserved for review, as they failed to seek such relief from the motion court (*see Isaly v Garde*, 216 AD3d 594, 596 [1st Dept 2023], *lv dismissed* 40 NY3d 1088 [2024]).

In any event, plaintiffs present no factual basis to demonstrate that the court had a predetermined outcome in mind when rendering its decision (see *Matter of Skarlith G. v Guelvis J.C.*, 184 AD3d 470, 471 [1st Dept 2020]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: June 9, 2026

A handwritten signature in black ink, appearing to read 'Susanna Molina Rojas', written in a cursive style.

Susanna Molina Rojas
Clerk of the Court