

Ronsco, Inc. v Corporate Interiors Contr., Inc.

2020 NY Slip Op 32855(U)

August 31, 2020

Supreme Court, New York County

Docket Number: 653969/2014

Judge: Arthur F. Engoron

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This opinion is uncorrected and not selected for official publication.

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

PRESENT: HON. ARTHUR F. ENGORON PART IAS MOTION 37EFM

Justice

-----X

RONSCO, INC.,

Plaintiff,

- v -

CORPORATE INTERIORS CONTRACTING, INC., WILLIAM
AVERSA, JOHN O'BRIEN, JANE DOE, JOHN DOE

Defendant.

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INDEX NO. 653969/2014

MOTION DATE N/A

MOTION SEQ. NO. 006

**ORDER AND JUDGMENT OF
CONTEMPT AND POSSIBLE
ARREST**

The following e-filed documents, listed by NYSCEF document number (Motion 006) 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113

were read on this motion to/for CONTEMPT.

Recitation, as required by CPLR 2219(a) of the papers considered in the review of this motion:

Papers

Numbered

Plaintiff's Order to Show Cause,
Memo of Law and Affirmation with Exhibits.....1

Upon the foregoing papers and after a hearing on the record via Skype on August 24, 2020, the decision and order of the Court is as follows:

Plaintiff, Ronsco, Inc. ("Plaintiff") moves for: (a) an order adjudging defendant William Aversa ("Aversa") in civil contempt of court for disobedience to a lawful mandate of the Court; (b) an order directing Aversa to pay a fine of at least \$250.00; (c) the issuance of a warrant of commitment for the arrest to of Aversa; (d) an order compelling Aversa to produce certain requested documents; (e) an order awarding Plaintiff attorneys' costs and fees incurred in

bringing this Order to Show Cause; and (f) such other and further relief as this Court deems just and proper.

On August 14, 2019, judgment was entered jointly and severally against Aversa, John O'Brien and Corporate Interiors Contracting, Inc., in favor of Plaintiff in the amount of \$57,559.56.

After Aversa failed to respond to a duly served information subpoena, the Court granted Plaintiff's unopposed motion to compel, Decision, and Order dated October 2, 2019 wherein the Court direct Aversa to provide a response to the information subpoena. When Aversa failed to respond to the information subpoena, Plaintiff served Aversa with a subpoena (duces tecum) to depose judgment debtor, with a restraining notice, directing Aversa to appear for a post-judgment deposition on November 25, 2019 and to produce certain documents.

After Aversa failed to comply with the Court's October 2, 2019 Decision and Order and the subpoena for his post judgment deposition, Plaintiff filed an order to show cause seeking to hold Aversa in contempt of Court. During a hearing on the prior order to show cause for contempt, the Court issued an Order dated February 4, 2020, and entered February 6, 2020 ordering Aversa, inter alia "to provide responses to the Information Subpoena and Subpoena by March 4, 2020."

Aversa provided some of the requested documents and testified at a post judgment deposition on March 18, 2020. During Aversa's post judgment deposition, another demand was made for the production of certain trust documents, along with requests for additional documents. A copy of Aversa's deposition transcript, including a list of documents requested during the deposition, was provided to Aversa's counsel. After Aversa failed to produce the

requested documents, a follow up letter was sent to Aversa's counsel in May 2020, again requesting the production of requested documents.

Plaintiff filed the subject order to show cause to hold Aversa in contempt of court for his failure to produce the requested documents. Oral argument was held via Skype on August 24, 2020 during which, Plaintiff's counsel, Plaintiff and counsel for Aversa were present. Neither Aversa nor his counsel submitted written opposition.

It is hereby:

ADJUDGED that Plaintiff's petition for an order holding Aversa in contempt of Court is granted (motion seq. no. 6); and it is further

ADJUDGED that Aversa is in civil contempt; and it is further

ADJUDGED that Aversa may purge his contempt by paying a fine of \$250.00 payable to the Court and producing the documents listed below to counsel for Plaintiff on or before Friday September 11, 2020:

1. A copy of the trust agreement;
2. Copies of the trust bank account statements;
3. Copies of the trust tax returns;
4. Copies of agreements between other contractors;
5. The last six months of statements for Mr. Aversa's IRA and 401(k);
6. A copy of Mr. Aversa's life insurance policy and a recent statement;
7. Production of gambling records; and
8. Receipts or chit sheets from the casino showing winnings and losses for 2017.

This is a final opportunity to purge the contempt; and it is further

ORDERED that in the event the purge does not occur, Plaintiff may submit to the Court a warrant of arrest for Aversa; and it is further;

ORDERED that in the event the purge does not occur, Aversa is liable for Plaintiff's reasonable attorneys' fees and costs incurred in this contempt proceeding.

This constitutes the Decision, Order and Judgment of the Court



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8/31/2020

DATE

ARTHUR F. ENGORON, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE