

Chen v Romona Keveza Collection LLC
2021 NY Slip Op 31526(U)
May 5, 2021
Supreme Court, New York County
Docket Number: 153413/2020
Judge: Nancy M. Bannon
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. NANCY M. BANNON PART IAS MOTION 42EFM

Justice

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JOSEPH CHEN, JOSEPH CHEN, INC., DINA KOZLOVSKA,

INDEX NO. 153413/2020

Plaintiff,

- v -

ROMONA KEVEZA COLLECTION LLC, ROMONA KEVEZA
ONE ROCK, LLC, ROMONA KEVEZA 1 ROCK
LLC, ROMONA KEVEZA

Defendant.

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By an order dated March 4, 2021, the court granted the defendants' pre-answer motion to dismiss the complaint to the extent of dismissing the complaint as against defendants Romona Keveza One Rock, LLC, Romona Keveza 1 Rock, LLC and Romona Keveza, and directed the remaining defendant, Romona Keveza Collection LLC, to file an answer within 30 days of the date of that order, and directed the parties appear for a preliminary/settlement conference on May 5, 2021 (MOT SEQ 001). No answer was filed within 30 days.

One month after the deadline, on May 5, 2021, shortly before the start of the court-ordered conference, defense counsel uploaded an answer on the NYSCEF system. The answer is untimely without excuse, in clear violation of the court order. No stipulation or motion for an extension of time was filed. Nor was any proof of service of the answer on the plaintiff filed.

The conference was conducted on Justice Bannon's behalf by her Principal Court Attorney and was attended by two lawyers for the plaintiff and one for the defendant. During the conference, counsel for the defendant declined to engage in good faith settlement negotiations and failed to conduct himself in a professional, respectful and civil manner towards opposing counsel and the court's Principal Court Attorney, in violation of the Rules of Chief Administrative Judge of the Courts, the Rules of Part 42 and the Rules of Professional Conduct.

Accordingly, it is

OTHER ORDER – NON-MOTION

ORDERED that the parties shall appear for a Teams conference with Justice Bannon on May 13, 2021, at 4:30 p.m. to address the conduct of defense counsel at the May 5, 2021, conference and discuss the possible imposition of sanctions, including attorney's fees (see 22 NYCRR 130-1.1) , and it is further

ORDERED that any motion by the plaintiff for leave to enter a default judgment pursuant to CPLR 3215 shall be filed within 30 days of the date of this order.

This constitutes the order of the court.



NANCY M. BANNON, J.S.C.
HON. NANCY M. BANNON

DATE: 5/5/2021

Check One: Case Disposed Non-Final Disposition
Check if Appropriate: Other (Specify _____)