

116 E. 31st St. Realty Assoc., LLC v Umi Sushi Inc.

2021 NY Slip Op 32418(U)

November 21, 2021

Supreme Court, New York County

Docket Number: 625065/2020

Judge: Arthur F. Engoron

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

At I.A.S Part 37M of the Supreme Court
of the State of New York
County of New York, held at the
Courthouse at 60 Centre Street,
New York, N.Y. on November 21, 2021

PRESENT: Engoron

HONORABLE JUDGE ARTHUR F. ENGORON
-----X
116 E. 31st STREET REALTY ASSOCIATES,LLC.

Plaintiff,

INDEX NO. 625065/2020

-against-

ORDER

UMI SUSHI INC. and
LUO KUN ZHENG

Defendants,

-----X

On reading and filing the Order to Show Cause herein dated October 5th,
2021, and returnable before this Court on November 18th, 2021; the affidavit of Steve
Kemp sworn to June 18th, 2021, showing due service of the Subpoena To Take The
Examination of the Judgment Debtor and the affidavit of Steve Kemp sworn to October
19th, 2021 and October 25th, 2021, showing due service of the Order to Show Cause to
Punish Debtor for Contempt upon the Defendants and after hearing Harry Manesis, Esq.,
attorney for Plaintiff on November 18th, 2021, in favor of the Motion and no one having
appeared in opposition thereto; and this Court, after due consideration, being satisfied,
and having found and decided that UMI SUSHI INC. and LUO KUN ZHENG have
committed the offense and is guilty of the misconduct and Contempt of Court charged

against said Defendants, in having willfully disobeyed the provisions and requirements of the Subpoena duly served upon said Defendants, and the Court having found and decided that the misconduct of UMI SUSHI INC. and LUO KUN ZHENG was calculated to and did actually defeat, impair, impede and prejudice the rights and remedies of the Plaintiff herein;

NOW, on Motion of Harry Manesis, attorney for Plaintiff, it is hereby ORDERED, ADJUDGED and DECREED, that UMI SUSHI INC. and LUO KUN ZHENG, individually and as President of Umi Sushi Inc., have committed the offense and is guilty of the misconduct and Contempt of Court charged against said Defendants in having willfully disobeyed the provisions and requirements of the Subpoena duly served upon said Defendants and it is further

ORDERED, ADJUDGED and DECREED, that the misconduct of the Defendants and the offense committed by said Defendants as aforesaid, was calculated to and actually did defeat, impair, impede and prejudice the rights and remedies of the Plaintiff herein; and it appearing that the misconduct of said Defendant consists of an omission to perform an act or duty which it is yet in said defendants power to perform, it is therefore, further

ORDERED, ADJUDGED AND DECREED, that a fine of Two Hundred Fifty and 00/100 (\$250.00) be and the same hereby is imposed upon UMI SUSHI INC. and LUO KUN ZHENG for the misconduct and Contempt of Court of which the Defendant is found guilty, as aforesaid to be paid to the Judgment Creditor at the office

of the Judgment Creditors Attorney within ten (10) days after personal or substituted service of this Order with Notice of Entry upon Debtor; and it is further

ORDERED, ADJUDGED AND DECREED, that LUO KUN ZHENG may purge said Defendants of the fine imposed for the Contempt within ten (10) days after personal service of a Certified Copy of this Order by appearing and satisfying to this Court that said Defendant is unable to pay the fine, or in the discretion of the Court, by giving an undertaking in a sum fixed by the Court conditioned upon payment of the fine plus costs and expenses of said Defendant's appearance and compliance with the aforementioned subpoena; and it is further

ORDERED, ADJUDGED, AND DECREED, that upon a Certified Copy of this Order, together with proof by Affidavit that more than ten (10) days have elapsed since personal service of a certified copy of this Order upon the Defendants, and that the fine herein imposed has not been paid, and that Defendant LUO KUN ZHENG as president of UMI SUSHI INC., has failed to comply with the aforementioned Subpoena, this Court may issue without notice a Warrant directed to the Sheriff or other enforcement officer of any jurisdiction in which the Defendant, LUO KUN ZHENG, may be found, commanding such officer to arrest the Defendant LUO KUN ZHENG, forthwith and bring said Defendant before this Court, or a Judge thereof, to

be committed or for such other disposition as the Court in its discretion shall direct.

ENTER:

Hon. Judge Arthur F. Engoron


HON. ARTHUR F. ENGORON
J.S.C.