

Jefferies LLC v Vy Truong

2022 NY Slip Op 30205(U)

January 24, 2022

Supreme Court, New York County

Docket Number: Index No. 156775/2018

Judge: Melissa A. Crane

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.

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

PRESENT: HON. MELISSA CRANE PART 60M

Justice

-----X

JEFFERIES LLC

Plaintiff,

- v -

VY TRUONG,

Defendant.

-----X

INDEX NO. 156775/2018
MOTION DATE 07/24/2020
MOTION SEQ. NO. 003

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 003) 51, 52, 53, 54, 55, 56, 57, 59, 60, 65, 66, 67, 68

were read on this motion to/for CONTEMPT.

Upon the foregoing documents, it is

In 2018, this court enjoined defendant from disparaging her former employer because she had signed a non disparagement clause when she accepted severance. At the August 8, 2018 oral argument on the motion, defendant first volunteered that “I delete the post and I stopped, I completely stopped sending emails. I acted based on my depression and anger...when I was employed at Jeffries, I was the victim of hazing, stalking and harassment.” A bit later in the same proceeding, defendant agreed to the relief requested. Defendant responded “no, no” when the court asked “you are not going to disparage them anymore, right.” (see EDOC 49 pg 13). The court then put the case over to give defendant an opportunity to pursue counterclaims.

Defendant subsequently abandoned her counterclaims and the court marked the matter disposed.

On or about July 14, 2020, plaintiff interposed an order to show cause to hold defendant in contempt because she had continued publicly to disparage plaintiff. This sent defendant into a tirade. Defendant commenced a vitriolic email campaign, at all hours of the day and night, to the

court, and others in government, in an effort to bully this court into retracting the order imposing an injunction on her. In the emails, defendant: (1) claimed this court had no jurisdiction over her, (2) revealed a serious mental health diagnosis and (3) claimed she never consented to the injunction.

These emails resulted in the court issuing a cease and desist order on July 17, 2020 and a directive that defendant seek any proposed relief via motion (see EDOC 58). Nevertheless, the emails continued unabated. Nor did defendant make a motion as the court had directed. Instead, defendant, claiming the court had no jurisdiction over her, and, in an extreme display of paranoia, claimed this court was biased, and refused to show up at the hearing on the order to show cause that the court set for August 28, 2020.

An unfortunate consequence of the pandemic was that the court's mental health outreach was inactive. Accordingly, the court took the motion on submission in the hopes that, with time, mental health outreach would be able to contact the defendant. Eventually, defendant's vitriolic, bullying and harassing emails to the court ceased. The motion remained pending. In December 2020, defendant continued to disparage her former employer on social media.

This past fall, defendant recommenced her email campaign to the court in continued defiance of the cease and desist order. It is also this court's understanding that defendant did not respond to mental health outreach's efforts. Accordingly, the court now renders a decision on the motion for contempt.

First, the court does not need defendant's consent to enjoin her from disparaging plaintiff. It is undisputed that defendant signed a severance agreement with a non disparagement clause and accepted monetary consideration for that contract. Therefore, the injunction stands and defendant's consent is irrelevant. Defendant does not contend that her mental health prevented

her from understanding what she was signing when she signed the severance agreement with the non disparagement clause.

However, it has been over a year since defendant has disparaged her former employer and the motion for contempt has therefore become moot. Therefore, the court denies that part of the motion for contempt without prejudice. That part of the motion that plaintiff's request for the court to order defendant to obtain mental health treatment is denied, there being insufficient evidence in the record that defendant is not already in treatment. The court sincerely hopes that defendant was able to obtain mental health treatment.

Nevertheless, defendant is hereby warned that if she does not refrain from making or publishing any statements or communications, written or otherwise, relating to Jefferies, or any of its employees, agents or attorneys, including, but not limited to, statements or communications that disparage, criticize, or otherwise reflect adversely on Jefferies, its employees, agents, or attorneys or encourage any adverse action against Jefferies, its employees, agents, or attorneys, to anyone, including, but not limited to, social media, Jefferies' current, prospective and former clients, Jefferies' current and former employees, and/or members of the press, contempt sanctions may result.


In addition, defendant is hereby warned that should she recommence her bullying behavior by reigniting her email campaign, in violation of this court's prior order and this order, it will constitute contempt of court.

Accordingly, it is

ORDERED that plaintiff's motion to hold defendant Vy Troung in contempt of court is denied without prejudice; and it is further

ORDERED that defendant Vy Troung is, once again, precluded from contacting the court via email having abused the privilege.

ORDERED that there shall be no further motion practice without prior notice to the court.


20220124112049MACRANE8E0F9921A604F8A979F8028BE6988B

1/24/2022
DATE

MELISSA CRANE, J.S.C.

CHECK ONE:

CASE DISPOSED
 GRANTED DENIED

NON-FINAL DISPOSITION
 GRANTED IN PART OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT REFERENCE