

**AMBA Capital Ventures, Inc. v Farrell**

2022 NY Slip Op 30572(U)

February 22, 2022

Supreme Court, New York County

Docket Number: Index No. 152529/2020

Judge: Andrew Borrok

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 53

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AMBA CAPITAL VENTURES, INC., ANDERSON INNISS,  
INNISS CONSTRUCTION, INC.

Plaintiff,

- v -

DAVID FARRELL, SIGNATURE BANK,

Defendant.

INDEX NO. 152529/2020

MOTION DATE 01/24/2022,  
01/25/2022

MOTION SEQ. NO. 003 004

**DECISION + ORDER ON  
MOTION**

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HON. ANDREW BORROK:

The following e-filed documents, listed by NYSCEF document number (Motion 003) 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 125, 129, 130, 131 were read on this motion to/for DISCOVERY.

The following e-filed documents, listed by NYSCEF document number (Motion 004) 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 128, 132, 133, 134, 135 were read on this motion to/for DISCOVERY.

Upon the foregoing documents and for the reasons set forth on the record (2.22.22), Mtn. Seq.

No. 003 is granted to the following extent:

1. Signature Bank and Mr. Farrell indicated that they met and were to resolve the branch of this motion related to Mr. Farrell with Mr. Farrell agreeing to provide a supplemental production. Signature Bank reserved its rights if the production remains in their view inadequate.
2. Signature’s Request No. 10: The Plaintiffs shall provide an affidavit stating that they have provided any and all documents within their control regarding compensation paid to Mr. Farrell.

3. Signature's Request No. 19: The Plaintiffs shall produce the requested documents related to this request except with respect to Mr. Inniss' IRA or pension account where they are only required to produce documents sufficient to show the allocation of his investment decisions because Mr. Inniss' investment decisions, his sophistication and who he may have discussed investments with is directly at issue in this case.
4. Signature's Request No. 21: The Plaintiffs shall produce their tax returns as the losses and income reported are directly relevant to the damages calculations in this case. They shall be provided on a confidential attorneys' eyes only basis and may be shared only with their experts and other relevant professionals.
5. Signature's Requests No. 42 and 43: The Plaintiffs shall provide an affidavit stating that they have provided any and all admissions or statements against interest in their possession that they intend to introduce at trial.
6. The Plaintiffs' motion to compel (Mtn. Seq. No. 004) is granted to the extent that Signature shall produce documents sufficient to show the flow of funds from the Plaintiffs through the customer's accounts and documents regarding any projects relating to any investments the Plaintiffs made. These documents shall also be produced on an attorneys' eyes only basis may be shared only with their experts and other relevant professions. In addition, Signature shall produce documents sufficient to show how Ms. Mahadeo recommended the investment decisions at issue in the case captioned *Rise Development Partners, LLC, et. al. v. Signature Bank, et. al.*, Index. No. 502685/2021 case including who supervised her and what if any approvals were obtained. Lastly, Signature will produce the documents that were previously partially redacted in an

unredacted form except to the extent of any recognized privilege and shall produce a privilege log.

7. At a status conference following the motions, both the Plaintiffs and Signature discussed the need to inspect the original copy of Mr. Farrell's investment book expressing concern over possible spoliation because when a copy of the book had been produced originally a page was missing. Counsel for Mr. Farrell shall provide 5 days' notice on or before March 25, 2022 of his availability for an inspection of Mr. Farrell's investment book in New York County.
8. Parties shall provide an ESI protocol by March 8, 2022. Parties to complete document production on or before April 4, 2022.

**Status conference: April 20, 2022 at 11:30 AM**

Accordingly, it is

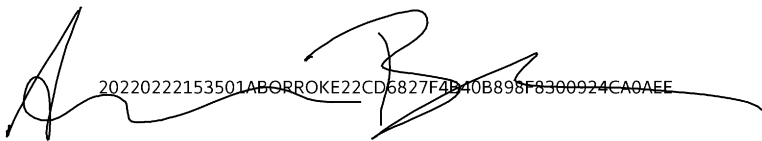
ORDERED that the motions to compel (mtn. seq. nos. 003 and 004) are granted to the extent set forth herein; and it is further

ORDERED that the Counsel for Mr. Farrell shall provide a date for the inspection of Mr. Farrell's investment book; and it is further

ORDERED that the parties shall provide an ESI protocol on or before March 8, 2022; and it is further

ORDERED that parties shall complete document production or before April 4, 2022; and it is further

ORDERED that the parties shall appear for a status conference on **April 20, 2022 at 11:30 AM.**



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2/22/2022  
DATE

ANDREW BORROK, 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