

Meisner v Finkelstein
2022 NY Slip Op 33300(U)
September 28, 2022
Supreme Court, Kings County
Docket Number: Index No. 518557/2019
Judge: Francois A. Rivera
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At an I.A.S. Term, Part 52, of the Supreme Court of the State of New York, held in and for the County of Kings, on the 28th day of September 2022

HONORABLE FRANCOIS A. RIVERA

-----X
STEVEN A MEISNER, ESQ.

Plaintiff,

-against-

STEVEN I. FINKELSTEIN, SIF ENTERPRISES, LLC

Defendants.
-----X

DECISION & ORDER
Index No. 518557/2019

Oral Argument: 9/14/22

The following e-filed documents, under motion sequence two, listed by NYSCEF document Nos. 56-79 were read on this motion for civil contempt pursuant to Jud. Law 753, criminal contempt pursuant to Jud. Law 750(3) and related relief.

Upon the foregoing documents and the oral argument by plaintiff STEVEN A MEISNER, ESQ proceeding pro se, as neither the defendant nor his counsel appeared, the motion is determined as follows:

Plaintiff moves pursuant to Judiciary Law, Section §753 and CPLR §5104, adjudging the defendant to be in civil contempt of court for his disobedience of this Court's lawful order dated October 7, 2021 and imposing a civil fine against defendant in the amount of \$250 or more pursuant to Judiciary Law §773, and further punishing defendant by incarceration pursuant to Judiciary Law §§753, 772 and 774. Plaintiff moves pursuant to Judiciary Law §750(3) adjudging defendant in criminal contempt of court for disobedience of the Court's lawful order, imposing a criminal fine on defendant pursuant to Judiciary Law §751 of up to

\$5,000 for willful disobedience of a lawful order of the Supreme Court, and imprisoning defendant pursuant to Judiciary Law §751(1).

The court finds defendant FINKELSTEIN violated this court's order dated October 21, 2021 by failing to provide the information necessary for the transfer of the property located at 1202 Bergen Street, Brooklyn, New York from SIF Enterprises LLC to STEVEN I. FINKELSTEIN and has violated that order by transferring the Bergen Street property from SIF Enterprises LLC to the Country Club Drive LLC, which is located at 2950 NE 188th Street, Aventura, Florida. FINKELSTEIN is the President of Country Club Drive LLC. FINKELSTEIN's address was listed as 2950 NE 188th St, Suite 220, Aventura, Florida.

Defendant, FINKELSTEIN has engaged in conduct that is in violation of a clear and unequivocal lawful order of the court of which he had notice. The request for a finding of civil contempt against the defendant is granted to the extent that the defendant shall pay a fine of not less than \$250 to the Lawyers Fund for Client Protection, within thirty (30) days of the service of this order, with notice of entry upon defendant, STEVEN FINKELSTEIN. The defendant shall reimburse the plaintiff for the costs he has incurred to appear in Court on September 14, 2022, and any and all costs and disbursements as taxed by the court, including but not limited to court fees and process servers. The plaintiff is awarded \$2500 to be paid by defendant STEVEN FINKELSTEIN for legal fees for the time plaintiff spent in the preparation of the motion. The legal fees, costs and disbursements awarded plaintiff, shall be paid within thirty (30) days of the service of the order with notice of entry upon defendant, STEVEN FINKELSTEIN.

The request for a finding of criminal contempt is referred to an evidentiary hearing on December 15, 2022. In the event plaintiff seeks to waive his right to said hearing he is

to inform the Court prior to December 15, 2022.

Plaintiff moves for an order reversing or declaring null and void any deeds that have been executed by the defendant transferring the property located at 1202 Bergen Avenue, Brooklyn, New York, Block 8360, Lot 40. That request for relief is granted. The deed executed by defendant, FINKELSTEIN from SIF Enterprises LLC to Country Club Drive LLC, dated December 30, 2021, and recorded in the Office of the City Register, Kings County on January 7, 2022, is fraudulent and void as to plaintiff, and the premises conveyed are subject to payment of the judgment of plaintiff against defendant, STEVEN I. FINKELSTEIN. The City Register is hereby directed to void the deed with it by defendant, FINKELSTEIN, on January 7, 2022.

It is ordered that defendants, and agents of defendants, be enjoined and restrained until further order of this court from transferring, or in any manner disposing of or interfering with, any property, real or personal, not exempt by law from execution, held or controlled by defendant or an agent, or by any other person holding the property in trust, or for defendants' use and benefit, or in which defendant have any interest whatever.

Plaintiff moves pursuant to RPAPL §1521(5) and CPLR §5107 granting an order directing the Sheriff of Kings County to execute any and all documents necessary to transfer the property located at 1202 Bergen Avenue, Brooklyn, New York (Block 8360, Lot 40) back into the name of the defendant, STEVEN I. FINKELSTEIN and for an order appointing a receiver to sell the Bergen Street property.

The request for relief is granted. The Sheriff of Kings County, New York is appointed and shall execute all documents necessary to transfer the Bergen Street property from any entity to which it has been transferred by STEVEN I. FINKELSTEIN, including by not limited to SIF Enterprises LLC or Country Club Drive LLC, to STEVEN I. FINKELSTEIN.

The Sheriff of Kings County, New York is also appointed to sell the property located at 1202 Bergen Avenue, Brooklyn, New York (Block 8360, Lot 40) under the direction of the court, at public auction, at _____, on like notice and in the same manner as provided by law for the sale of real property on execution.

The Sheriff, on confirmation of the sale by the court, shall execute to the transferee at the sale a deed to the premises so purchased, which deed shall convey to the transferee all of the right, title, and interest of defendant judgment debtor and defendant transferee in the premises at the time of making the deed.

The transferee or transferees at the sale shall be let into possession of the premises on production of the sheriff's deed for the premises.

This order shall become effective immediately.

This order shall be served upon the defendant, STEVEN FINKELSTEIN, personally within thirty (30) days of the entry of the signed order on NYSCEF. This order shall also be served upon defendant's counsel, by regular mail. Plaintiff shall e-file an affidavit of service within ten (10) days of service upon the defendant, STEVEN FINKELSTEIN being completed.

Submit a judgment on notice, with a bill of costs.

The foregoing constitutes the Order of this Court

ENTER:


FRANÇOIS A. RIVÉRA, J.S.C.

FRANCOIS A. RIVERA