

**City of New York v Metropolitan Prop. Group, Inc.**

2023 NY Slip Op 31632(U)

May 15, 2023

Supreme Court, New York County

Docket Number: Index No. 450040/2019

Judge: James E. d'Auguste

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This opinion is uncorrected and not selected for official publication.

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

**PRESENT: Hon. James d'Auguste PART 55**

*Justice*

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CITY OF NEW YORK,

Plaintiff,

- v -

METROPOLITAN PROPERTY GROUP, INC., MAXIM BECKMAN, SIMON ITAH, ALON KARASENTY, SAMI KATRI, SHELY KATRI, ALSI PROPERTIES LLC, AMS GROUP NYC, CORP., BKI GROUP LLC, CLEAN STAY SERVICES INC, DSG GROUP LLC, ERESOE HOUSING LLC, HELLO SERVICES INC, IGA SERVICES INC, IKB GROUP, INC., KBI GROUP LLC, KIB GROUP LLC, MASS GROUP, INC., MIB SERVICE INC, MIDTOWN WEST APTS, INC, MIDTOWN APTS, INC, SIMA HARLEM GROUP LLC, SPARGO GROUP, INC., SSAM GROUP, INC, LINMAR, L.P., LINMAR GROUP, LLC, THE LAND AND BUILDING KNOWN AS 123 EAST 54TH STREET, BLOCK 1309, LOT 8, COUNTY, CITY AND STATE OF NEW YORK, 200 GROUP, LLC, HELM MANAGEMENT, INC., THE LAND AND BUILDING KNOWN AS 200 EAST 116TH STREET, BLOCK 1665, LOT 48, COUNTY, CITY AND STATE OF NEW YORK, CARALEX HOLDINGS, LLC, THE LAND AND BUILDING KNOWN AS 207-215 EAST 27TH STREET, BLOCK 908, LOT 9, COUNTY, CITY AND STATE OF NEW YORK, 230 EAST 30TH LLC, THE LAND AND BUILDING KNOWN AS 230 EAST 30TH STREET, BLOCK 910, LOT 46, COUNTY, CITY AND STATE OF NEW YORK, 2118 GROUP, LLC, THE LAND AND BUILDING KNOWN AS 2118 3RD AVENUE, BLOCK 1643, LOT 39, COUNTY, CITY AND STATE OF NEW YORK, JOHN DOE, JANE DOE

Defendant.

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11/30/2022,  
11/30/2022,  
11/30/2022,  
03/31/2023,  
04/07/2023

MOTION DATE 04/07/2023

MOTION SEQ. NO. 006 007 007  
009 010

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 006) 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 365, 367, 392, 393, 394, 396, 397, 398, 399, 406, 408, 413, 414, 415, 417, 420, 421, 422, 423, 424, 425, 426, 427, 428, 430, 431, 432, 433

were read on this motion to/for DISCOVERY.

The following e-filed documents, listed by NYSCEF document number (Motion 007) 362, 363, 364, 368, 374, 375, 376, 387, 388, 389, 390, 400, 407, 412

were read on this motion to/for DISCOVERY.

The following e-filed documents, listed by NYSCEF document number (Motion 007) 362, 363, 364, 368, 374, 375, 376, 387, 388, 389, 390, 400, 407, 412

were read on this motion to/for

ORDER OF PROTECTION

The following e-filed documents, listed by NYSCEF document number (Motion 009) 438, 439, 440, 441, 442, 443, 444, 445, 456, 457, 461, 462, 463

were read on this motion to/for

DISCOVERY

The following e-filed documents, listed by NYSCEF document number (Motion 010) 450, 451, 452, 453, 454, 455, 459, 460, 464, 465

were read on this motion to/for

DISCOVERY

### **General Background:**

Plaintiff City of New York (“City”) commenced this action, alleging that the various defendants engaged in illegal short-term rentals in five buildings around New York City. Specifically, the City is alleging that the defendants had approximately 250 illegal Airbnb listings that generated millions of dollars in revenue. The City is seeking a permanent injunction against illegal short-term tenancies as well as fines.

### **Motion Sequence 006:**

In Motion Sequence 006, the City moves pursuant to CPLR 3124 to compel defendants Linmar, L.P., Linmar Group, LLC, Caralex, and 230 East 30th LLC (“Abington Owner Defendants”) to respond to City’s First Set of Interrogatories and Demand for Discovery and Inspection (ordered September 4, 2019) as part of the settlement between City and Abington Owner defendants. The Abington Owner Defendants oppose the motion, citing that they have completed their discovery obligations. The City had previously settled their claims with the Abington Owner Defendants, and, as a condition of settlement, the Abington Owner Defendants are required to continue to provide discovery in this action. The Court grants the motion to the extent that the Abington Owner Defendants shall provide any outstanding documentary discovery within 60 days of this order or provide an affidavit stating that the document

production that is the subject of this motion is complete. In addition, Abington Owner Defendants shall produce Linda Berley for deposition within 90 days of this order.

**Motion Sequence 007:**

In Motion Sequence 007, defendants Helm Management Inc., 200 Group, LLC, and 2118 Group, LLC (“Helm Owner Defendants”) move for a protective order to deny, limit, condition, or regulate plaintiff’s First Set of Interrogatories and First Demand for Discovery and Inspection. Plaintiff opposes and cross moves to compel Helm Owner Defendants to respond to the First Set of Interrogatories and First Demand for Discovery and Inspection. Helm Owner Defendants oppose the cross motion.

The motion is denied, and the cross motion is granted. Helm Owner Defendants oppose the discovery demands primarily on the ground that the demands are allegedly unduly burdensome. Having reviewed the discovery demands (NYSCEF Doc. No. 364), the Court concludes that the demands are proper given the nature of the claims asserted in this action.

**Motion Sequence 009:**

In Motion Sequence 009, the City moves for a protective order to deny, limit, or condition the Helm Owner Defendants notices of deposition of four inspectors from the Department of Buildings (“DOB”), filed January 19, 2023. Helm Owner Defendants cross move to compel the depositions of the four DOB inspectors and to proceed with depositions prior to the City defendants of the Helm Owner Defendants. The City opposes the cross motion.

The motion is resolved as follows. Considering the positions of both sides, the City will need to produce the three inspectors who are currently employed by the City for depositions. The Helms Owner defendants will need to subpoena DOB Inspector Parczweski, as he is no

longer employed by the City. The City will have deposition scheduling priority, as the Court recognizes that delays in discovery fall squarely on the Helm Owner Defendants.

**Motion Sequence 010:**

In Motion Sequence 010, the City moves for a protective order to deny, limit, or condition the Helm Owner Defendants notices of deposition of five inspectors from the Department of Buildings and four current or former New York City Police Department (“NYPD”) employees (filed February 21, 2023). Helm Owner Defendants cross move to compel the depositions. The City opposes the cross motion.

The motion is resolved as follows and in coordination with Motion Sequence 009. As noted above, the City will have scheduling priority for depositions. The City must produce the named individuals who remain employed by the City, as they may have personal knowledge that the Helms Owner Defendants may need to form a defense. The Helms Owner defendants will need to subpoena former City officials that are no longer employed by the City.

Accordingly, it is hereby,

ORDERED that motion sequence 006 is granted to the extent that Abington Owner Defendants shall provide any outstanding documentary discovery within 60 days of this order or provide an affidavit stating that the document production that is the subject of this motion is complete, and the Abington Owner Defendants shall produce Linda Berley for deposition within 90 days of this order, and it is further,

ORDERED that motion sequence 007 is denied, and the cross motion is granted, and the Helm Owner Defendants are directed to provide a response to the First Set of Interrogatories and First Demand for Discovery and Inspection within 60 days of this order, and it is further,

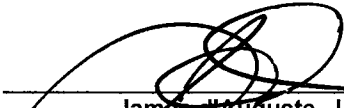
ORDERED that motion sequence 009 is granted to the extent that the City shall produce the three inspectors that are still employed by the City for depositions within 120 days of this is order, and the City shall provide a last known address for the inspector who is not employed by the City, and it is further,

ORDERED that the City shall have scheduling priority for depositions, and it is further,

ORDERED that motion sequence 010 is granted to the extent that the City shall produce the DOB and NYPD employees who remain employed by the City for depositions within 120 days of this order, and the City shall provide a last known address for the employees who are not employed by the City.

This is the decision and order of the Court.

5/15/2023  
DATE

  
James d'Auguste, J.S.C.

CHECK ONE:  CASE DISPOSED  DENIED  NON-FINAL DISPOSITION  OTHER

APPLICATION:  GRANTED  SETTLE ORDER  SUBMIT ORDER

CHECK IF APPROPRIATE:  INCLUDES TRANSFER/REASSIGN  FIDUCIARY APPOINTMENT  REFERENCE