

**Goldstein v Chanel, Inc.**

2024 NY Slip Op 32749(U)

August 1, 2024

Supreme Court, New York County

Docket Number: Index No. 190108/2022

Judge: Adam Silvera

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

**PRESENT: HON. ADAM SILVERA**  
*Justice*

**PART 13**

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LITA GOLDSTEIN,  
Plaintiff,

**INDEX NO.** 190108/2022

**MOTION DATE** 02/21/2024

**MOTION SEQ. NO.** 003

- v -

CHANEL, INC., CHATTEM, INC., BRENNTAG NORTH AMERICA, BRENNTAG SPECIALTIES, INC., AS SUCCESSOR-IN-INTEREST TO MINERAL PIGMENT SOLUTIONS, INC., AS SUCCESSOR-IN-INTEREST TO WHITTAKER CLARK & DANIELS, INC., BRISTOL-MYERS SQUIBB CO. AS SUCCESSOR TO E.R. SQUIBB AND SONS, COLGATE-PALMOLIVE CO. (FOR CASHMERE BOUQUET), COLGATE-PALMOLIVE CO. AS SUCCESSOR -IN-INTEREST TO THE MENNEN CO., COTY US, LLC, COTY, INC, ELIZABETH ARDEN, INC, ESTEE LAUDER, INC, HELENA RUBINSTEIN, INC, KOLMAR LABORATORIES, INC, L'OREAL TRAVEL RETAIL AMERICAS, INC., L'OREAL USA, INC., PFIZER INC., REVLON CONSUMER PRODUCTS CORP., REVLON, INC., SANOFI, S.A., SANOFI US SERVICES, INC., WHITTAKER CLARK & DANIELS, INC., WHITTAKER CLARK & DANIELS, INC., INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO AMERICAN TALC CO., METROPOLITAN TALC CO. INC., CHARLES MATHIEU, INC, RESOURCE PROCESSORS, INC, AVON PRODUCTS, INC, BARRETT'S MINERALS INC., BLOCK DRUG CO., INC., INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO THE GOLD BOND STERILIZING POWDER CO. A/K/A THE GOLD BOND CO., BLOCK DRUG CORP., INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO THE GOLD BOND STERILIZING POWDER CO. A/K/A THE GOLD BOND CO., COSMETIC SPECIALTIES, INC., HIMMEL MANAGEMENT CO. LLC, A/K/A HIMMEL GROUP, FORMERLY D/B/A MARTIN HIMMEL INC., INDIVIDUALLY AND AS SUCCESSOR- IN-INTEREST TO BLOCK DRUG CORP., SUCCESSOR-IN-INTEREST TO THE GOLD BOND STERILIZING POWDER CO, A/K/A THE GOLD BOND CO, HIMMEL MEDIA LLC, A/K/A HIMMEL GROUP, FORMERLY D/B/A MARTIN HIMMEL INC., INDIVIDUALLY AND AS SUCCESSOR- IN-INTEREST TO BLOCK DRUG CORP., SUCCESSOR-IN-INTEREST TO THE GOLD BOND STERILIZING POWDER CO, A/K/A THE GOLD BOND CO, JOHNSON & JOHNSON, KENVUE INC., INDIVIDUALLY AND AS SUCCESSOR-IN- INTEREST TO JOHNSON & JOHNSON CONSUMER INC., PRESERSE CORP., PRESERSE INT'L CORP.N, JOHN DOE 1 THROUGH JOHN DOE 75 (FICTITIOUS), LTL MANAGEMENT LLC,

**DECISION + ORDER ON MOTION**

INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO  
OLD JJCI

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 158, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184

were read on this motion to/for

JUDGMENT - SUMMARY

Upon the foregoing documents, it is ordered that defendant Cosmetic Specialties, Inc.'s ("CSI") motion for summary judgment is decided in accordance with the decision below. In this asbestos action, moving defendant CSI seeks to dismiss the complaint against it on the basis that it has no connections to New York such that this Court has no personal jurisdiction over it. Plaintiff opposes and alternatively seeks jurisdictional discovery. Defendant CSI replies.

To find personal jurisdiction, the Court must determine whether it has general or specific jurisdiction over the moving defendant. New York's general jurisdiction statute CPLR § 301 and the long arm statute CPLR § 302(a) govern jurisdiction over a non-domiciliary defendant. As to general jurisdiction pursuant to CPLR § 301, it must be established that a defendant's "affiliations with the State [of] New York are so continuous and systematic as to render it essentially at home in the...State". *Robins v Procure Treatment Ctrs., Inc.*, 157 AD3d 606, 607 (1st Dep't 2018)(internal brackets and citations omitted). "Aside from an exceptional case, a corporation is at home only in a state that is the company's place of incorporation or its principal place of business". *Lowy v Chalkable, LLC*, 186 AD3d 590, 592 (2nd Dep't 2020)(internal quotations and citations omitted). The relevant inquiry regarding a corporate defendant's place of incorporation and principal place of business, is at the time the action is commenced. *See Lancaster v Colonial Motor Freight Line, Inc.*, 177 AD2d 152, 156 (1st Dep't 1992).

As for long arm jurisdiction, CPLR § 302(a) states that specific jurisdiction may be

exercised over a non-resident who “(1) transacts any business within the state or contracts anywhere to supply goods or services in the state; or (2) commits a tortious act within the state...; or (3) commits a tortious act without the state causing injury to person...within the state...if he (i) regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in the state, or (ii) expects or should reasonably expect the act to have consequences in the state and derives substantial revenue from interstate or international commerce; or (4) owns, uses or possesses real property situated within the state.”

Defendant CSI seeks to dismiss this action arguing, *inter alia*, that it did not sell, distribute, or manufacture any products in the State of New York. Defendant CSI argues that it merely sold its products to Estee Lauder, a New York company. Defendant CSI further argues that it is not incorporated in New York, does not have its headquarters in New York, nor does it have its principal place of business in New York, such that the Court lacks personal jurisdiction over it pursuant to CPLR § 302(a). Thus, according to defendant CSI, the instant action must be dismissed as against it.

In opposition, pursuant to CPLR § 302(a), the plaintiff points to the longstanding business dealings between defendant CSI and Estee Lauder, and Estee Lauder’s strong ties to New York. In support, the plaintiff proffers, *inter alia*, various raw material specification information sheets from Estee Lauder from 1996 and 2000 in which the talc supplied by CSI to Estee Lauder for use in its products is consistently present. Plaintiff also provides the deposition of Estee Lauder’s corporate representative, Maryann Alfieri, dated November 3, 2022 in which she confirms that such talc was used in its products.

In reply, CSI argues that the alleged contacts with the State of New York, as raised in the

opposition papers, fail to sufficiently tie moving defendant to the state. Defendant CSI relies on a conclusory affidavit of its President Ronald W. Grexa, in which he states that defendant CSI is a New Jersey corporation, it is physically located there, and it only sells out of its New Jersey facility. See Memorandum of Law in Support of Defendant CSI's Motion to Dismiss for Lack of Personal Jurisdiction, Exh. I, Affidavit of Ronald W. Grexa, dated Feb. 2, 2024.

The Court further notes that both plaintiff and moving defendant are amenable to conducting further discovery for purposes of jurisdiction. Given the frequency and nature of defendant CSI's business dealings with Estee Lauder, a corporation with clear ties to the State of New York, the plaintiff has provided sufficient evidence to demonstrate that jurisdictional discovery is needed herein. As such, defendant CSI's motion to dismiss is denied without prejudice to renew at the conclusion of discovery.

Accordingly, it is hereby

ORDERED that defendant Cosmetic Specialties, Inc.'s motion to dismiss the complaint is denied without prejudice to renew at the conclusion of discovery; and it is further

ORDERED that within 30 days of entry, plaintiff shall serve a copy of this decision/order upon all parties with notice of entry.

This constitutes the Decision/Order of the Court.



ADAM SILVERA, J.S.C.

8/1/2024

DATE

CHECK ONE:

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: