

City of New York v Big John's Roofing LLC

2024 NY Slip Op 33456(U)

October 1, 2024

Supreme Court, New York County

Docket Number: Index No. 451094/2024

Judge: Lyle E. Frank

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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. LYLE E. FRANK PART 11M

Justice

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INDEX NO. 451094/2024

THE CITY OF NEW YORK, VILDA VERA MAYUGA, AS
COMMISSIONER OF THE NEW YORK CITY
DEPARTMENT OF CONSUMER AND WORKER
PROTECTION

MOTION DATE 09/04/2024

MOTION SEQ. NO. 002

Plaintiff,

- v -

**DECISION + ORDER ON
MOTION**

BIG JOHN'S ROOFING LLC, JOHN KOT,

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32

were read on this motion to/for CONTEMPT.

Upon the foregoing documents, the motion is granted without opposition. It is therefore

ORDERED that with respect to Plaintiffs' motion for an order adjudging Defendants

JOHN KOT and BIG JOHN'S ROOFING LLC in civil contempt for failure to comply with this

Court's Order dated June 10, 2024, is granted; and it is further

ORDERED and ADJUDGED that Defendants JOHN KOT and BIG JOHN'S ROOFING

LLC are each found in civil contempt pursuant to Judiciary Law § 751(A), as their conduct did

defeat, impair, impede or prejudice the rights of the Plaintiffs; and it is further

ORDERED and ADJUDGED that, pursuant to Judiciary Law § 773, Defendants JOHN

KOT and BIG JOHN's ROOFING LLC, last known address 247 Willow Avenue, Garwood, NJ

07027, each shall pay a fine in the amount of \$250, payable to Plaintiff THE NEW YORK CITY

DEPARTMENT OF CONSUMER AND WORKER PROTECTION, located at 42 Broadway,

New York, NY 10004; and it is further

ORDERED that with respect to Plaintiffs' FIRST CAUSE OF ACTION, pursuant to New York City Administrative Code §§ 20-387(a) and 20-106(d), Defendants JOHN KOT and BIG JOHN's ROOFING LLC, their agents, employees, and/or representatives, are permanently enjoined from causing, consenting to, allowing, or aiding in anyway, the operation of unlicensed home improvement contractor activity in violation of New York City; and it is further

ORDERED that with respect to Plaintiffs' FIRST CAUSE OF ACTION, pursuant to New York City Administrative Code §§ 20-387(a) and 20-106(d), Defendants JOHN KOT and BIG JOHN's ROOFING LLC, their agents, employees, representatives, and/or all persons or domain name registrars in concert or participation with any Defendant having notice of this Order, are permanently enjoined from causing, consenting to, allowing, or aiding in anyway, the operation of unlicensed home improvement contractor activity, through the maintenance and use of the domain names "www.bigjohns-roofing.com/" and "www.big-john-roofing.com/"; and it is further

ORDERED and ADJUDGED that with respect to Plaintiffs' FIRST CAUSE OF ACTION, and pursuant to New York City Administrative Code § 20-387(a) and Title 6 of the Rules of the City of New York § 6-29, Plaintiffs THE CITY OF NEW YORK and VILDA VERA 4 MAYUGA, AS COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF CONSUMER AND WORKER PROTECTION, located at 42 Broadway, New York, NY 10004, shall have a judgment against Defendants JOHN KOT and BIG JOHN's ROOFING LLC, last known address 247 Willow Avenue, Garwood, NJ 07027, in the amount of \$1,000 plus \$55,200 in daily penalties, for Defendants' 552 violations of engaging in unlicensed home improvement contractor activity, accruing from March 30, 2023, through October 1, 2024; and it is further

ORDERED that with respect to Plaintiffs' SECOND AND THIRD CAUSE OF ACTION, Defendants JOHN KOT and BIG JOHN's ROOFING LLC, their agents, employees, and/or representatives, are permanently enjoined from deceiving consumers as to Defendants' ability to legally operate a home improvement business in New York City and as to Defendants' true identity in violation of New York City Administrative Code § 20-700; and it is further

ORDERED that with respect to Plaintiffs' SECOND AND THIRD CAUSE OF ACTION, Defendants JOHN KOT and BIG JOHN's ROOFING LLC, their agents, employees, representatives, and/or all persons or domain name registrars in concert or participation with any Defendant having notice of this Order, are permanently enjoined from deceiving consumers as to Defendants' ability to legally operate a home improvement business in New York City and as to Defendants' true identity through the maintenance and use of the domain names "www.bigjohns roofing.com/" and "www.big-john-roofing.com/", in violation of New York City Administrative Code § 20-700; and it is further

ORDERED and ADJUDGED that with respect to Plaintiffs' SECOND CAUSE OF ACTION, and pursuant to New York City Administrative Code §§ 20-700 and 20-703(a)-(d), Plaintiffs THE CITY OF NEW YORK and VILDA VERA MAYUGA, AS COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF CONSUMER AND WORKER PROTECTION, 5 located at 42 Broadway, New York, NY 10004, shall have a judgment against Defendants JOHN KOT and BIG JOHN's ROOFING LLC, last known address 247 Willow Avenue, Garwood, NJ 07027, in the amount of \$63,000, for Defendants' 18 knowing violations of engaging in deceptive trade practices as to licensure status; and it is further

ORDERED and ADJUDGED that with respect to Plaintiffs' THIRD CAUSE OF ACTION, and pursuant to New York City Administrative Code §§ 20-700 and 20-703(a)-(d),

Plaintiffs THE CITY OF NEW YORK and VILDA VERA MAYUGA, AS COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF CONSUMER AND WORKER PROTECTION, located at 42 Broadway, New York, NY 10004, shall have a judgment against Defendants JOHN KOT and BIG JOHN's ROOFING LLC, last known address 247 Willow Avenue, Garwood, NJ 07027, in the amount of \$63,000, for Defendants' 18 knowing violations of engaging in deceptive trade practices as to Defendants' true identities; and it is further

ORDERED and ADJUDGED that with respect to Plaintiffs' FOURTH CAUSE OF ACTION, and pursuant to New York City Administrative Code §§ 20-700 and 20-703(a)-(d), Plaintiffs THE CITY OF NEW YORK and VILDA VERA MAYUGA, AS COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF CONSUMER AND WORKER PROTECTION, located at 42 Broadway, New York, NY 10004, shall have a judgment against Defendants JOHN KOT and BIG JOHN's ROOFING LLC, last known address 247 Willow Avenue, Garwood, NJ 07027, in the amount of \$35,000, for Defendants' 10 knowing violations of engaging in deceptive trade practices as to offering for sale warranties with no intention of honoring them; and it is further

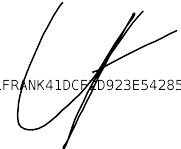
ORDERED and ADJUDGED that, pursuant to New York City Administrative Code § 20-703(g) and CPLR 2601, Plaintiffs THE CITY OF NEW YORK and VILDA VERA MAYUGA, AS COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF CONSUMER AND 6 WORKER PROTECTION, located at 42 Broadway, New York, NY 10004, shall have a judgment against Defendants JOHN KOT and BIG JOHN's ROOFING LLC, last known address 247 Willow Avenue, Garwood, NJ 07027, in the amount of \$180,000, and that this money shall be used to establish a consumer restitution account in the amount of \$180,000, to be funded from the disgorgement of all monies received by Defendants as a result

of Defendants' violations of New York City Administrative Code §§ 20-700, and that any money, property, or other things of value in the account that go unclaimed by any persons within two years from creation of the account be returned to the City as civil penalties; and it is further

ORDERED that nothing contained in this Decision, Order, and Judgment, including the Court's determinations herein, shall bind or affect the rights of any persons not a party hereto, or preclude actions against any unnamed parties; and it is further

ORDERED that nothing contained in this Decision, Order, and Judgment shall bind or affect any position which any party may take in future or unrelated actions; and it is further

ORDERED that this Court shall retain jurisdiction of this action for the purpose of carrying out the terms of this Judgment, or granting such further relief at the Court deems just and proper.

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10/1/2024
DATE

LYLE E. FRANK, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/>	REFERENCE
	<input type="checkbox"/>			<input type="checkbox"/>	
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