

TGT, LLC v Meli

2024 NY Slip Op 33471(U)

October 2, 2024

Supreme Court, New York County

Docket Number: Index No. 156744/2020

Judge: Andrea Masley

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SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

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TGT, LLC,		INDEX NO.	<u>156744/2020</u>
	Plaintiff,	MOTION DATE	<u>--</u>
	- v -	MOTION SEQ. NO.	<u>008</u>
RICHARD MELI,		DECISION + ORDER ON MOTION	
	Defendant.		

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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 008) 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 265, 266, 267, 268, 269, 270, 271, 275, 276

were read on this motion to/for RESTORE.

In the July 12, 2024 decision on motion sequence 004, this court found respondent Richard Meli “in contempt of this court’s February 18, 2022 decision and order directing compliance with the judgment enforcement subpoena dated October 1, 2020.” (NYSCEF Doc. No. [NYSCEF] 205, July 12, 2024 Decision and Order at 19 [mot. seq. no. 004].) Among other things, the court ordered that Richard Meli (i) fully comply with this court’s February 18, 2022 decision and order, (ii) pay petitioner TGT, LLC (TGT) \$349,500 to indemnify TGT for its actual loss incurred because of Richard Meli’s contempt, and (iii) pay the reasonable costs and attorneys’ fees incurred by TGT in making motion sequence 004.¹ (*Id.* at 19-20.) If Richard Meli failed to fully comply

¹ The court ordered that Richard Meli pay the reasonable costs and attorneys’ fees within 10 days of a subsequent order of this court determining the amount of those costs and attorneys’ fees. (NYSCEF 205, July 12, 2024 Decision and Order at 19 [mot. seq. no. 004].) At this time, the amount of costs and attorneys’ fees owed is under this court’s consideration.

with the February 18, 2022 decision and order, within 10 days of the July 12, 2024 decision and order, the court stated that he “will be directed to turnover to TGT the images of all his electronics.” (*Id.* at 19.) The turnover of the imaging is one of the penalties if there was noncompliance with the July 12, 2024 decision and order. (*Id.* at 10/20.)

By letter dated July 22, 2024, Richard Meli informed the court that his attorney Robert Piliero advised Richard Meli on July 13, 2024 that he no longer wished to represent him.² Richard Meli stated that he was receiving limited legal advice from Lewis Baach Kaufmann Middlemiss PLLC, which represent him in “several related matters” but also that he was “temporarily appearing *pro se.*” (NYSCEF 207, Meli Letter to Court at 1.) Richard Meli asked for a two-week extension of the deadline to comply with the July 12, 2024 decision and order. (*Id.* at 1-2.) Richard Meli further stated that he did

“not have access to the stored images. I, as well as LBKM, have had email exchanges and phone discussions with KLDiscovery during the course of this past week, and on July 18, LBKM contacted KLDiscovery, to inquire when the materials could be uploaded and prepared in a manner such that a privilege review could try to be conducted. KLDiscovery informed that because of the volume of imaged materials, their production will take at least one week.” (*Id.* at 2.)

By letter dated July 24, 2024, TGT informed the court that production did not occur. (NYSCEF 214, TGT Letter to Court.) It also informed the court that LBKM, which admittedly was not counsel to Richard Meli in this matter, “contacted KL Discovery without notice to TGT, claiming they were new counsel to Richard Meli and informed KL

² On July, 22, 2024, Piliero brought a motion to withdraw as counsel by Notice of Motion. (NYSCEF 210, Notice of Motion [mot. seq. no. 007].)

Discovery that Richard Meli could not pay them to process the material.” (*Id.* at 2.)

Troubled by the allegations that LBKM was purportedly representing itself as Richard Meli’s counsel to the vendor handling the imaging and informing the vendor that Richard Meli would not be paying it to process the imaged materials, despite not being counsel of record in this action, the court issued a supplemental order on motion seq. no. 004 directing the parties to “show cause on July 31, 2024 at 10AM as to why this court should not restore this motion for contempt against Richard Meli and schedule a hearing on August 7, 2024 and why the court should not direct petitioner to serve subpoenas on nonparties KL Discovery and Lewis Baach Kaufmann Middlemiss PLLC to testify at the hearing.” (NYSCEF 219, Supplemental Order [July 29, 2024 mot. seq. no. 004].)

On August 1, 2024, after holding argument on its Order to Show Cause, the court issued an order directing (1) Piliero to provide TGT with Piliero’s July 13, 2024 communication with Richard Meli to which Piliero attached the July 12, 2024 decision and order, (2) Piliero, LBKM, and Meli to produce communications with KL Discovery subsequent to the July 12, 2024 decision and order, (3) TGT’s counsel to communicate directly with KL Discovery to discuss logistics, costs and parameters of the a production of the imaging of Richard Meli’s electronic devices, and (4) Meli to provide an affidavit describing how he keeps and organizes his financial documents such as bank records and tax returns by noon on August 2, 2024. (NYSCEF 226, Order.) The continuation of the court’s OSC was scheduled for August 7, 2024.

By letter dated August 5, 2024, TGT once again informed the court that the July 22, 2024 deadline for compliance passed without such compliance by Richard Meli.

(NYSCEF 227, Letter to Court.) TGT raised concerns about Piliero's submissions regarding his communications with KL Discovery and asked that the court convert the August 7, 2024 to a conference instead of a continuation of argument on the court's OSC. (*Id.*)

On August 7, 2024, the court held a conference on the record and withdrew its OSC to restore the contempt motion to the calendar. (NYSCEF 231, Compliance Conference Order.) The court stated that TGT "shall file a motion (to restore or renew or reargue or something else) with an affidavit explaining why the various productions have not purged Richard Meli's contempt." (*Id.* at 1.) This motion (seq. 008) followed.

In motion sequence number 008, TGT seeks an order:

- (i) "Pursuant to CPLR 5104 and 5224 holding respondent Richard Meli in contempt of this Court's order dated July 12, 2024 and subsequent orders to comply therewith" (NYSCEF 253, OSC at 2);
- (ii) "Reinstating this Court's July 12, 2024 adjudication ... holding Richard Meli ... in contempt of this Court's order dated February 18, 2022" (*id.*)
- (iii) "Directing Richard Meli to immediately pay the monetary sanction of \$349,500 set forth in the July 12, 2024 order" (*id.*); and
- (iv) "Directing Richard Meli to immediately pay the award of attorney's fees set forth in the July 12, 2024 order." (*Id.*)

Richard Meli opposes this motion;³ however, the court notes that he failed to appear at the September 6, 2024 oral argument. (NYSCEF 276, tr at 8:5.)⁴

TGT's motion really seeks a finding that Richard Meli did not purge his contempt. (*Id.* at 8:7-11.) The court clearly found Richard Meli in contempt in its July 12, 2024 decision and order. (See NYSCEF 205, July 12, 2024 Decision and Order at 19 [mot. seq. no. 004] ["ORDERED that respondent Richard Meli is in contempt of this court's February 18, 2022 decision and order directing compliance with the judgment enforcement subpoena dated October 1, 2020"].) If Richard Meli did not purge his contempt by fully complying with February 18, 2022 decision and order by July 22, 2024, then he was to turnover the images of all his electronics. (*Id.*)

The February 18, 2022 decision and order addressed 27 demands contained in post-judgment subpoena on Richard Meli as part of TGT's efforts to obtain documents relevant to its judgment against Richard Meli's son, Joseph Meli and Advance Entertainment, LLC. (NYSCEF 99, February 18, 2022 Decision and Order [mot. seq. nos. 001, 003].) The demands and the court's order as to each is as follows:

Demand 1: "As in the October 2020 Subpoena: Any and all emails and enclosed attachments between or among Joseph Meli and Mr. Law, including but not limited to emails where Joseph Meli or Mr. Law was bcc'd or cc'd as a recipient."

Order: "It is hereby ordered that Richard Meli is to produce any and all emails and enclosed attachments between or among Joseph Meli and Mr.

³ The court mistakenly stated on the record there was "no opp;" the parties failed to correct the court. (NYSCEF 276, tr at 8:5.)

⁴ The court clarifies that it is not granting this motion based on Richard Meli's failure to appear at oral argument, but rather, on the grounds explained in this decision.

Law, including but not limited to emails where Joseph Meli or Mr. Law was bcc'd or cc'd as a recipient.”

Demand 2: “As in the October 2020 Subpoena: Any and all text messages between Joseph Meli and Mr. Law.

Order: “It is hereby ordered that Richard Meli is to produce any and all text messages between Joseph Meli and Mr. Law.”

Demand 3: “As in the October 2020 Subpoena: Any and all documents and communications concerning any entity owned or controlled by Advance Entertainment, Meli[] and or Meli entity.”⁵

Order: “It is hereby ordered that Demand 3 is quashed.”

Demand 4: “As in the October 2020 Subpoena: Any and all documents concerning Advance Entertainment, Meli and/or Meli entity’s interests or investments with another individual or in another entity, business operation and/or deal.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning Advance Entertainment, Meli and/or Meli entity’s interests or investments with another individual or in another entity, business operation and/or deal.”

Demand 5: “As in the October 2020 Subpoena: Any and all documents and communications concerning Advance Entertainment, Meli, and/ or Meli entity’s assets, income, and/or sources of revenue.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents and communications concerning Advance Entertainment, Meli, and/ or Meli entity’s assets, income, and/or sources of revenue.”

⁵ When listing this demand, the court inserted n. 8 which clarified “‘Meli’ as written in the October 2020 Subpoena refers to Joseph Meli, as Richard Meli is addressed as ‘You.’” (NYSCEF 99, February 18, 2022 Decision and Order at 12, n 8.)

Demand 6: “As in the October 2020 Subpoena: Any and all documents and communications concerning Advance Entertainment, Meli and/or a Meli entity’s business deals and/or opportunities.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents and communications concerning Advance Entertainment, Meli and/or a Meli entity’s business deals and/or opportunities.”

Demand 7: “As in the October 2020 Subpoena: Any and all documents and communications concerning Advance Entertainment, Meli and/or a Meli entity’s potential and actual business and financial interests.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents and communications concerning Advance Entertainment, Meli and/or a Meli entity’s potential and actual business and financial interests.”

Demand 8: “As in the October 2020 Subpoena: Any and all documents and communications concerning Advance Entertainment, Meli and/or a Meli entity’s current financial status and/or ability to pay the Judgment referenced in this subpoena.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents and communications concerning Advance Entertainment, Meli and/or a Meli entity’s current financial status and/or ability to pay the Judgment referenced in this subpoena.”

Demand 9: “As in the October 2020 Subpoena: Any and all documents concerning or reflecting payments, gifts, distributions, revenues, or wire transfers to Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member by You.”

Order: “It is hereby ordered that Demand 9 is modified and that Richard Meli is to produce any and all documents concerning or reflecting payments, distributions, revenues, or wire transfers to Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member Richard Meli and it is further ordered that Richard Meli is to

produce any and all documents concerning or reflecting gifts over \$100 to Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member by Richard Meli.”

Demand 10: “As in the October 2020 Subpoena: Any and all documents concerning or reflecting any source of income or revenues or any type of financial benefit from Meli and/or any Meli entity given to you or held by Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning or reflecting any source of income or revenues or any type of financial benefit from Meli and/or any Meli entity given to Richard Meli or held by Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Demand 11: “As in the October 2020 Subpoena: Any and all documents concerning any financial, business or investment interest owned or controlled by You, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning any financial, business or investment interest owned or controlled by Richard Meli, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Demand 12: “As in the October 2020 Subpoena: Any and all documents regarding payments, distributions or wire transfers between You and Advance Entertainment, Meli, and/or a Meli Entity, including but not limited to account statements, cancelled checks, wire transfer documents, bank deposit documentation, and online documentation from January 1, 2015, to the present.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents regarding payments, distributions or wire transfers between Richard Meli and Advance Entertainment, Meli, and/or a Meli Entity, including but not limited to account statements, cancelled checks, wire transfer documents, bank deposit documentation, and online documentation.[.]”

Demand 13: “As in the October 2020 Subpoena: Any and all documents concerning payments, distributions or wire transfers where You served as an intermediary between Advance Entertainment, Meli, and/or a Meli Entity, and a third-party, including but not limited to account statements, cancelled checks, wire transfer documents, bank deposit documentation, and online documentation from January 1, 2015, to the present.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning payments, distributions or wire transfers where Richard Meli served as an intermediary between Advance Entertainment, Meli, and/or a Meli Entity, and a third party, including but not limited to account statements, cancelled checks, wire transfer documents, bank deposit documentation, and online documentation.”

Demand 14: As in the October 2020 Subpoena: Any and all documents concerning any instance in which a third party served as an intermediary to provide payments, distributions, or wire transfers from Advance Entertainment, Meli, and/or a Meli entity.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning any instance in which a third party served as an intermediary to provide payments, distributions, or wire transfers from Advance Entertainment, Meli, and/or a Meli entity.”

Demand 15: “As in the October 2020 Subpoena: Any and all documents concerning any instance in which a third party served as an intermediary

to receive from you payments, distributions or wire transfers intended for Advance Entertainment, Meli, and/or a Meli entity, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning any instance in which a third party served as an intermediary to receive from Richard Meli payments, distributions or wire transfers intended for Advance Entertainment, Meli, and/or a Meli entity, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Demand 16: “As in the October 2020 Subpoena: Any and all documents regarding cash received by You and or/being held by You that is from and/or connected to Meli, and/or a Meli entity, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents regarding cash received by Richard Meli and or/being held by Richard Meli that is from and/or connected to Meli, and/or a Meli entity, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Demand 17: “As in the October 2020 Subpoena: All communications and documents concerning any transfer of money from You to Advance Entertainment, Meli, and/or a Meli entity, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Order: “It is hereby ordered that Richard Meli is to produce all communications and documents concerning any transfer of money from Richard Meli to Advance Entertainment, Meli, and/or a Meli entity, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Demand 18: “As in the October 2020 Subpoena: Any and all documents concerning or reflecting any profits, revenues, distributions, or any other financial benefit received by You as part of any ticket deal organized, coordinated, directed, owned and/or controlled by Advance Entertainment, Meli, and/or a Meli entity.”

Order: “:It is hereby ordered that Richard Meli is to produce any and all documents concerning or reflecting any profits, revenues, distributions, or any other financial benefit received by Richard Meli as part of any ticket deal organized, coordinated, directed, owned and/or controlled by Advance Entertainment, Meli, and/or a Meli entity.”

Demand 19: “As in the October 2020 Subpoena: Any and all communications with Advance Entertainment, Meli, and/or a Meli entity and/or others acting on their behalf, including but not limited to letters, emails, text, messages, and other electronic communications from January 1, 2015 to the present.”

Order: “It is hereby ordered that Demand 19 is quashed.”

Demand 20: As in the October 2020 Subpoena: Any and all communications received by You from investors in any deal or transaction organized, coordinated, owned and/or controlled by Advance Entertainment, Meli, and/or a Meli entity, including but not limited to letters, emails, text messages and other electronic communications from January 1, 2015 to the present.”

Order: “It is hereby ordered that Richard Meli is to produce any and all communications received by Richard Meli from investors in any deal or transaction organized, coordinated, owned and/or controlled by Advance Entertainment, Meli, and/or a Meli entity, including but not limited to letters, emails, text messages and other electronic communications.”

Demand 21: “As in the October 2020 Subpoena: Any and all agreements, or drafts thereof, between You and Advance Entertainment, Meli, and/or a Meli Entity.”

Order: “It is hereby ordered that Richard Meli is to produce any and all agreements, or drafts thereof, between Richard Meli and Advance Entertainment, Meli, and/or a Meli Entity.”

Demand 22: “As in the October 2020 Subpoena: Any and all communications concerning agreements, or drafts thereof, between You and Advance Entertainment, Meli, and/or a Meli Entity.”

Order: “It is hereby ordered that Richard Meli is to produce any and all communications concerning agreements, or drafts thereof, between You and Advance Entertainment, Meli, and/or a Meli Entity.”

Demand 23: “As in the October 2020 Subpoena: Any and all documents concerning payments and/or other funds received from Advance Entertainment, Meli, and/or a Meli Entity to RJM Ventures, LLC.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning payments and/or other funds received from Advance Entertainment, Meli, and/or a Meli Entity to RJM Ventures, LLC.”

Demand 24: “As in the October 2020 Subpoena: Any and all documents concerning payments made by You and/or RJM Ventures, LLC to TF Cornerstone.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning payments made by Richard Meli and/or RJM Ventures, LLC to TF Cornerstone.”

Demand 25: “As in the October 2020 Subpoena: Any and all communications between You and Marvin Ingber regarding payments being made on behalf of and/or for the benefit of Jessica Meli, Anna Meli,

Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Order: “It is hereby ordered that Richard Meli is to produce any and all communications between Richard Meli and Marvin Ingber regarding payments being made on behalf of and/or for the benefit of Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.”

Demand 26: “As in the October 2020 Subpoena: Any and all documents concerning payments made to You from James Siniscalchi.”

Order: “It is hereby ordered that Richard Meli is to produce any and all documents concerning payments made to Richard Meli from James Siniscalchi.”

Demand 27: “As in the October 2020 Subpoena: Any and all communications between You and James Siniscalchi regarding payments for Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member’s living expenses.”

Order: “It is hereby ordered that Richard Meli is to produce any and all communications between Richard Meli and James Siniscalchi regarding payments for Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member’s living expenses.”
(*Id.* at 12-21.)

TGT asserts that despite two late productions on August 2, 2024 and August 5, 2024, Richard Meli has not purged his contempt. In response, Richard Meli submits an affidavit detailing what he has produced and explaining what he cannot produce. The court finds this affidavit insufficient to purge his contempt for failure to comply with the court’s February 18, 2022 decision and order. For example, as to Demand 11, the court ordered Richard Meli “to produce any and

all documents concerning any financial, business or investment interest owned or controlled by Richard Meli, Jessica Meli, Anna Meli, Jackson Meli, Julian Meli, Jude Meli, Joah Meli and/or any other Meli family member.” However, despite listing projected assets for Richard Meli, as December 1, 2023, in Pro Forma Statement of Assets and Liabilities, Richard Meli fails to submit any documentation as to the source of these projected assets. (See NYSCEF 246, Pro Forma Statement of Assets and Liabilities.) His argument that this statement was merely aspirational and was prepared to establish the Cook Island LLC bank account is misplaced. (See NYSCEF 255, Meli aff ¶ 28[d].) Even if the financial projections of these LLC interests (Proprietary Trading Algorithm [Wholly Owned] and Real Estate Holdings [including 20% Interest in Residential Development Projects]) were aspirational, Richard Meli does not supply information about the debt or equity that would make such aspirations real, and therefore, he should have produced all documents concerning these financial, business or investment interests. (*Id.*) Implicit in Richard Meli’s admission that he is investigating investment opportunities is that he has assets to invest. (See *id* ¶13.) Likewise, Richard Meli’s admission that he engaged an estate planner indicate that he has assets for which to plan. (*Id.* ¶16.) They must be revealed as responsive to Demand 11. (NYSCEF 99, February 18, 2022 Decision and Order [mot. seq. nos. 001, 003].) Richard Meli’s tangent into the purpose and circumstances of the Cook Island bank account will not distract this court from the issue here – Richard Meli was ordered by a court in 2022 to produce

documents responsive to the court order's 27 areas of inquiry. (See NYSCEF 255, Meli aff ¶ 28[e].)

This is also true of the estimated net worth of \$5 million that Richard Meli disclosed on the Capital Security Bank Limited Form. (NYSCEF 247.) Documents exist as to the source of this estimated net worth or any net worth of Richard Meli, and yet, he fails to produce them. This Form also lists that Richard Meli is self-employed at RJM Ventures LLC (*id.*), yet besides certain bank account records of RJM Ventures LLC, he has not turned over any documents related to assets held and revenue received by this LLC.

Further, Richard Meli asserts that he was working in June and July 2020 to "attract funds for my grandsons," yet no such documents were produced, though they would be responsive to Demands 9, 10, 15, 16, 17, 25, and 27 and compliance ordered. (NYSCEF 255, Meli aff ¶4; NYSCEF 99, February 18, 2022 Decision and Order [mot. seq. nos. 001, 003].) Likewise, Richard Meli must produce any documents concerning loans from Joseph Meli's friends and business associates to pay family expenses. (NYSCEF 255, Meli aff ¶27[e].)

To the extent that Richard Meli has made the determination that communications between Joseph Meli and his attorneys, on which Richard Meli was copied, are privileged, the privilege would be destroyed when Richard was copied. (*Id.* ¶4.) In any case, Richard Meli should have produced a privilege log.

As Richard Meli has failed to purge his contempt, as ordered in the July 12, 2024 decision and order, Richard Meli is directed to turnover to TGT the images of all his electronics within 10 days of the date of this decision. A failure

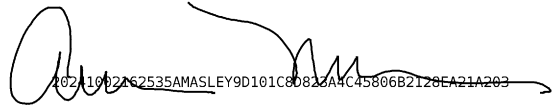
to comply with this penalty for his original contempt may result in the penalty of incarceration.

Accordingly, it is

ORDERED that Richard Meli shall cause KL Discovery to produce all Richard Meli imaged materials from all Richard Meli electronics to TGT within 10 days from email service to Richard Meli of a notice of entry of this decision; and it is further

ORDERED that parties and their counsel, if any, shall appear in Part 48, 60 Centre Street, Room 242 on October 24, 2024 at 2:30PM where Richard Meli shall demonstrate whether he complied with this order to cause KL Discovery to produce all Richard Meli imaged materials from all Richard Meli electronics to TGT. If it is determined that Richard Meli has failed to comply with this order, a hearing will be held to address the appropriate penalty, including but not limited to incarceration; and it is further

ORDERED that if Richard Meli is not represented by a counsel at the October 24, 2024 appearance, he shall appear with his most recent tax returns for 2023 and documentary evidence of his current assets and liabilities for a determination as to whether he is eligible for an assigned counsel. (See Judiciary Law § 770.) Richard Meli is hereby informed that he “has the right to the assistance of counsel, and when it appears that the offender is financially unable to obtain counsel, the court may in its discretion assign counsel to represent him” (*id.*) limited to the hearing where incarceration is at issue, if such hearing is necessary.



10/2/2024
DATE

ANDREA MASLEY, J.S.C.

CHECK ONE:

CASE DISPOSED
GRANTED DENIED
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION
GRANTED IN PART OTHER
SUBMIT ORDER
FIDUCIARY APPOINTMENT REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: