

**Stone Sec. Serv. & Investigations Inc. v Panoramic  
Sec. & Consulting Servs., LLC**

2024 NY Slip Op 33775(U)

October 10, 2024

Supreme Court, New York County

Docket Number: Index No. 653701/2024

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. 653701/2024

STONE SECURITY SERVICE & INVESTIGATIONS INC.,

MOTION DATE 09/06/2024

Plaintiff,

MOTION SEQ. NO. 003

- v -

PANORAMIC SECURITY & CONSULTING SERVICES,  
LLC, CHRISTOPHER SHOULDERS

**DECISION + ORDER ON  
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51

were read on this motion to/for CONTEMPT.

Upon the foregoing documents, plaintiff’s motion for contempt of court is granted.

**Background**

On July 31, 2024, this Court entered an order to show cause for temporary restraining order and preliminary injunction (“Order”). This Order stated that “pending the hearing and determination of this application, Defendants are temporarily restrained and preliminary enjoined from (a) violating the Non-Disparagement Clause and Non-Impairment Clause contained in the Terms and Conditions of Employment or Contract Work; (b) directly or indirectly communicating with Plaintiff’s clients and employees; (c) disparaging or making critical statements about Plaintiff and Plaintiff’s employees to any client or third party; (d) communicating directly and indirectly with the Permanent Mission and Head of Support Services.” This Order was granted unopposed on August 28, 2024, and a temporary restraining order was entered.

Plaintiff brings this motion for contempt of court alleging that Defendants are refusing to comply with the Order and are continuing communications with Plaintiff's clients and employees, the Permanent Mission, and the Head of Support Services.

### **Standard**

Judiciary Law Section 753 permits a court "to punish, by fine and imprisonment, or either, a neglect or violation of duty, or other misconduct, by which a right or remedy of a party to a civil action or special proceeding, pending in the court may be defeated, impaired, impeded, or prejudiced." *Id.*, § 753(A). In order to establish a finding of civil contempt, a party must establish the following factors by clear and convincing evidence: (1) "a lawful order of the court, clearly expressing an unequivocal mandate, was in effect," (2) "the order has been disobeyed," (3) by a party with "knowledge of the court's order, although it is not necessary that the order actually have been served upon the party," and (4) as a result, the rights of a party to the litigation have been prejudiced. *El-Dehdan v El-Dehdan*, 26 NY3d 19, 29 (2015) (quoting *McCormick v Axelrod*, 59 NY2d 574, 583 (1983)).

### **Discussion**

Plaintiff alleges that Defendant Shoulders physically entered the Permanent Mission on several occasions and communicated with the plaintiff's employees and the Head of Support Services. They have claimed to have video recordings in support. Defendant Shoulders' counsel states in an email that one of the topics of conversation during this meeting with Plaintiff's client was the possibility of "future consulting ventures." Plaintiff alleges that this conversation is evidence of potential future harm to Plaintiff's business relationship with their clients and potential loss of goodwill. Taken together, Plaintiff makes a clear case for civil contempt.


Defendant Shoulders responds by moving to vacate the Order as beyond the scope of the original agreement between the parties. Defendant Shoulders does not deny that he intentionally breached the Order, but instead makes arguments about the scope of the underlying employment agreement that would have been better made in opposition to the Order before it was granted unopposed. This approach, alongside allegations that “Defendants are the victim in this matter” and accusations by Defendant Shoulders that Plaintiff is attempting to engage in “espionage”, is not a fruitful defense to a motion for contempt. Defendant claims that his meetings with Plaintiff’s client are “completely unrelated to Plaintiff’s business”, disregarding the fact that the Order clearly states that Defendant Shoulders is not to communicate, directly or indirectly, with the very entities that he admits to speaking to on multiple occasions. If Defendant Shoulders disagrees with the scope of the Order, there are legal channels available for him to take. Showing a brazen disregard for the laws of New York and this Court’s Orders is not an appropriate response. While Defendant also cross-moves for an award of attorney’s fees on the basis that the present motion for contempt is “baseless and unethical”, this Court notes there is in fact a clear and convincing basis for civil contempt. Accordingly, it is hereby

ADJUDGED that respondents are guilty of a willful contempt in disobeying this Court’s orders and that the disobedience was calculated to, and did, defeat, impair, and prejudice the rights and remedies of the plaintiff; and it is further

ADJUDGED that defendants’ cross-motion for attorney’s fees is denied; and it is further

ORDERED that a fine in the amount of \$250.00 is hereby imposed upon Christopher Shoulders, which shall be payable to the Clerk of the Court not more than 15 days following the date of this Order; and it is further

ORDERED that the issue of the amount of reasonable attorneys' fees, and costs incurred in connection with the instant motion that the plaintiff may recover is to be determined upon submission of documentary evidence submitted to the Court on 7 days' notice to the defendant.

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LYLE E. FRANK, J.S.C.

10/10/2024  
\_\_\_\_\_  
DATE

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