| **Interasian Digital Tech. Holdings Ltd. v In Jin Moon Park** |
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| 2025 NY Slip Op 31127(U) |
| March 26, 2025 |
| Supreme Court, New York County |
| Docket Number: Index No. 652787/2012 |
| Judge: Arlene P. Bluth |
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# SUPREME COURT OF THE STATE OF NEW YORK
# NEW YORK COUNTY

**PRESENT:** **HON. ARLENE P. BLUTH** **PART** **14**

***Justice***

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INTERASIAN DIGITAL TECHNOLOGY HOLDINGS LTD.

Plaintiff,

- v -

IN JIN MOON PARK,

Defendant.

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**INDEX NO.** 652787/2012

**MOTION DATE** N/A

**MOTION SEQ. NO.** 012

**DECISION + ORDER ON MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 012) 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360

were read on this motion to/for DISCOVERY.

Defendant's motion to compel plaintiff to provide a complete answer to paragraph 14 of defendant's second set of interrogatories and for preclusion is denied.

**Background**

In this action, plaintiff (an investment company) alleges that defendant's ex-husband mishandled an investment placed by plaintiff. Plaintiff apparently agreed to invest funds in 2007 with defendant's ex-husband in a newly formed entity called Praxton and that it eventually transferred $5.5 million to this investment entity. It argues that, instead of using the money for the intended purpose, defendant's ex-husband used those funds for the benefit of himself and his wife (the defendant here); plaintiff alleges that $1.9 million was distributed to defendant's ex-husband's personal use in 2008 alone.

Defendant contends that plaintiff eventually obtained a judgment against her ex-husband back in 2013 for over $7 million and that plaintiff has been unable to satisfy that judgment.

In an attempt to "follow the money", plaintiff alleges five causes of action against defendant in the amended complaint under the Debtor Creditor Law.

In this motion, defendant focuses on a response to a single interrogatory. That interrogatory queried "State whether Defendant used, or benefitted from the use of, the funds contained in the Conveyances; if your answer is on the affirmative, set forth, in detail and with particularity, each use of those funds by Defendant and/or each time Defendant benefitted from the use of those funds" (NYSCEF Doc. No. 347 at 6). She complains that she received a supplementary response from plaintiff that essentially told defendant to figure it out for herself. Defendant points out that plaintiff highlighted dozens of pages of bank statements and opined that the number of transactions were simply too numerous to count.

Defendant claims that plaintiff only has two options. It can list every single occasion in which defendant benefitted from the use of funds contained in the alleged fraudulent scheme or it can choose to be precluded from pointing to any transaction not specifically identified.

In opposition, plaintiff contends that after a series of transactions, at least $3,680,977 of plaintiff's funds were transferred to a joint bank account held by defendant and her ex-husband. It argues that at a deposition, Mr. Park admitted that some of these funds were used to pay off debts owed by him and defendant.

Plaintiff contends that its supplemental response to interrogatory 14 was more than sufficient. It points out it was a 4-page response and that, in any event, asking plaintiff to identify every single time defendant benefitted from fraudulently obtained funds is both impractical and overbroad. Plaintiff emphasizes that defendant admitted at her deposition that she benefited from plaintiff's funds to pay off tax obligations, mortgage payments and credit card debt.

In reply, defendant disputes plaintiff's characterization of her deposition testimony and that the request was not overbroad in any way. She insists that plaintiff's reference to an expert report is not sufficient and that a Court ordered plaintiff to supplement its responses to the discovery device.

**Discussion**

After reviewing plaintiff's supplemental response, the Court denies defendant's motion in its entirety. The response clearly lists the ways in which defendant benefitted from the use of the ill-gotten funds, including specific references to mortgage payments, insurance premiums, payments for the education of defendant's children, credit cards, car payments, utilities, payments directly to defendant's children and bank statements (NYSCEF Doc. No. 348 at 7-8).

This response provides defendant with adequate notice about what evidence plaintiff intends to adduce at a possible trial. There is little chance of unfair surprise to defendant at trial. Plaintiff need not identify, for instance, every cup of coffee that defendant may have purchased with the funds siphoned from plaintiff. It identified, with the requisite particularity, examples of where defendant directly benefitted. Moreover, nothing in that response suggests that preclusion, as defendant demands, is appropriate.

In any event, the fact is that plaintiff will have a burden at trial to prove its damages. Obviously, vague references to how defendant benefitted from these funds will not support a specific claim for damages; plaintiff seems to recognize that with the Loh report, which contains many specifics (NYSCEF Doc. No. 354).

This case was recently transferred to the undersigned. The last compliance conference order is dated June 10, 2024 and that order set a note of issue date of September 9, 2024 (NYSCEF Doc. No. 342). The only discovery referenced in that stipulation was the instant

interrogatory issue (*id*). Therefore, given the advanced age of this action, the Court directs that a note of issue be filed on or before May 1, 2025. That should provide more than enough time to complete whatever discovery remains in this decade-old case.

Accordingly, it is hereby

ORDERED that defendant's motion is denied.

3/26/2025
DATE

ARLENE P. BLUTH, J.S.C.

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| CHECK ONE: | | CASE DISPOSED | | | X | NON-FINAL DISPOSITION | |
| | | GRANTED | X | DENIED | | GRANTED IN PART | OTHER |
| APPLICATION: | | SETTLE ORDER | | | | SUBMIT ORDER | |
| CHECK IF APPROPRIATE: | | INCLUDES TRANSFER/REASSIGN | | | | FIDUCIARY APPOINTMENT | REFERENCE |