

Doe v Mesivtha, Inc.

2025 NY Slip Op 32079(U)

June 9, 2025

Supreme Court, Kings County

Docket Number: Index No. 520624/2021

Judge: Sabrina Kraus

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
KINGS COUNTY

PRESENT: HON. SABRINA B. KRAUS PART CVA - 1 / 57

Justice

-----X

INDEX NO. 520624/2021

JOHN DOE,

MOTION DATE 6/9/25

Plaintiff,

MOTION SEQ. NO. 011 & 012

MESIVTHA, INC. a/k/a MESIVTA, INC., a/k/a TORAH HIGH SCHOOL OF LONG BEACH d/b/a MESIVTA OF LONG BEACH, RABBI MORDECHAI RESPLER, RABBI YERUCHOM PITTER, DAVID DOES, ARI DOE, ABC CORPS NOS. 1-10, said names being unknown and fictitious, and ROBERT ROES NOS. 1-10, said names being unknown and fictitious,

DECISION + ORDER ON MOTION

Defendants.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 011) 272-274; 285 - 294 were read on this motion to/for STRIKE PLEADINGS

The following e-filed documents, listed by NYSCEF document number (Motion 012) 275 - 284 were read on this motion to/for STRIKE PLEADINGS

Plaintiff commenced this action pursuant to the Child Victims Act seeking damages for sexual abuse he allegedly suffered while a student at Torah High School.

On August 13, 2021, Plaintiff moved to proceed in this action anonymously by using a pseudonym in his publicly filed documents pursuant to Civil Rights Law 50-b and requiring that in any publicly filed court papers, the parties refer to the moving Plaintiff by his pseudonym and refrain from otherwise disclosing Plaintiff Doe's identity to anyone other than his attorneys. The School Defendants opposed Plaintiff's application and cross-moved to compel Plaintiff to litigate

under his legal name, dismiss the action in the event of Plaintiff's refusal to litigate under his legal name and allowing the Defendants to litigate the matter anonymously.

On December 23, 2021, the Court granted Plaintiff's motion and denied School Defendants' cross-motion in its entirety. School Defendants' appealed.

On February 7, 2024, the Appellate Division, Second Department upheld the Court's Order dated December 23, 2021, holding, "the Supreme Court providently exercised its discretion in granting the plaintiff's motion to proceed anonymously. In support of the motion, the plaintiff established, among other things, that there is a reasonable likelihood that he will suffer adverse consequences to his employment, education, and marital prospects if his identity is publicly revealed. In opposition, the school defendants' claim of prejudice was conclusory and speculative... The school defendants' remaining contention is without merit. (*Doe v Mesivtha, Inc.* 224 AD3d 661 [Second Dept 2024])".

On May 27, 2025, Plaintiff moved to strike Defendants' Answer and/or alternatively sanctions, for Defendants' alleged violation of confidentiality orders, as well as the order allowing Plaintiff to proceed under pseudonym.

On June 9, 2025, Defendants Mesivtha, Inc, Mesivta of Long Beach, Torah High School of Long Beach, Rabbi Mordechai Respler and Rabbi Yeruchom Pitter (School Defendants) cross moved seeking sanctions, including but not limited to the dismissal of this action and for costs, as against Plaintiff and Plaintiff's attorney, for their alleged misconduct in making knowingly false representations to this Court, including, *inter alia*, that the School Defendants have violated the confidentiality orders and order to proceed under pseudonym.

On June 9, 2025, the Court heard oral argument and reserved decision.

Plaintiff asserts that beginning around April 26, 2025, he was contacted by friends and acquaintances, who allegedly possessed knowledge of the instant action, without Plaintiff having informed them about the same. Plaintiff states he received approximately eight phone calls. Plaintiff also asserts he was contacted by an individual named Yisroal Friendman, who also possessed knowledge of the instant action and who represented he was directed to assist in settling the instant action by the School Defendants. Plaintiff also asserts Friendman communicated a death threat on behalf of School Defendants. At oral argument, Plaintiff's counsel represented that Friedman told Plaintiff Rabbi Respler was the individual who told Friedman who plaintiff was.

In opposition, School Defendants argue that Friedman is an acquaintance of Plaintiff and reached out to School Defendants to assist in a settlement of the instant action on behalf of Plaintiff. School Defendants also argue that anyone who has knowledge of the instant cation has received that knowledge from Plaintiff, who has openly spoken about the allegations in the complaint to various people in his community, for years.

The confidentiality orders and order to proceed pseudonymously, which are issued by the Court, are done so to protect the Plaintiff's privacy. Any violation of those orders, especially a purposeful violation, bear serious consequences. Therefore, the court directs the parties to appear for a hearing, to make a determination on the conflicting factual accounts, and if necessary, impose appropriate sanctions.

WHEREFORE, it is hereby

ORDERED the parties are to appear on August 14, 2025, at 11 am in room 218 at 60 Centre Street for a hearing to determine if School Defendants breach the Court's confidentiality order and order to proceed under pseudonym.

This constitutes the interim decision and order of the court.

6/9/25

DATE

HON. SABRINA KRAUS

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE