

**Oxford Fin. LLC v Makesh**

2025 NY Slip Op 32554(U)

July 14, 2025

Supreme Court, New York County

Docket Number: Index No. 651051/2024

Judge: Melissa A. Crane

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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. MELISSA A. CRANE **PART** **60M**

*Justice*

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OXFORD FINANCE LLC,

Plaintiff,

- v -

NESIAN JEAN MAKESH, JEAN NESIAN,

Defendant.

**INDEX NO.** 651051/2024

**MOTION DATE** 05/30/2025,  
06/02/2025,  
06/02/2025

**MOTION SEQ. NO.** 007 008 009

**DECISION + ORDER ON  
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 007) 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 128, 129, 150

were read on this motion to/for CONTEMPT.

The following e-filed documents, listed by NYSCEF document number (Motion 008) 123, 124, 125, 126, 127, 130, 132, 133, 137, 138, 142, 143, 144, 147, 148

were read on this motion to/for DISCOVERY.

The following e-filed documents, listed by NYSCEF document number (Motion 009) 120, 121, 122, 131, 134, 135, 136, 139, 140, 141, 145, 146

were read on this motion to/for EXTEND - TIME.

Upon the foregoing documents, it is

In MS# 007, plaintiff-judgment creditor moves for an order holding defendant-judgment debtor Jean Nesian in contempt due to his failure to comply with the 3/11/25 information subpoena and restraining notices. On 5/11/25, the court granted plaintiff’s motion [MS# 005] and ordered Nesian to “comply with the authorized 5/12/25 information subpoena (DOC 78) within 10 days” (see DOC 113).

In MS# 008, Nesian [*pro se*] asks the court to issue a protective order, under CPLR 3103, “relieving [him] from responding to Plaintiff’s discovery demands” (DOC 123 [notice of motion]). Nesian asserts that a protective order is warranted because he is a Florida resident and

contempt proceedings “exceed[] the territorial jurisdiction of this Court and violate[] due process” (DOC 124 at 1). In MS# 009, Nesian appears to withdraw the objections he asserts in his papers for MS# 008 and asks the court to grant him until 6/23/25 to respond to the information subpoena (Docs 120-121).

Motion Seq. Nos. 008 and 009

Nesian’s motion for a protective order is denied. Even if Nesian’s motion was filed on time (*cf.* CPLR 3122 [requiring a motion to quash a subpoena duces tecum be filed within 20 days after the discovery demand is served]), it is without merit. The court does not lack jurisdiction over him with respect to the information subpoena.

Likewise, Nesian’s motion to extend his time to respond to the information subpoena to 6/23/25 is denied as moot. This motion was marked fully submitted on 6/10/25, and 6/23/25 has come and gone. Neither party has advised the court that Nesian has used this intervening time to respond to the information subpoena, and there is no information in the docket demonstrating that he served responses.

Motion Seq. No. 007

Plaintiff’s contempt motion is granted. As noted above, the court granted plaintiff’s prior motion to compel [MS# 005] and ordered Nesian to “comply with the authorized 3/11/25 information subpoena (DOC 78) within 10 days” (see DOC 113). Plaintiff served Nesian with the court’s 5/12/25 decision on 5/19/25 (DOC 14 [mailing receipts]). Plaintiff’s counsel states that Nesian did not respond to the information subpoena by 5/29/25 (DOC 106 [Cronin aff], para 18). In his opposition papers, Nesian concedes that he received the subpoena and the court’s 5/12/25 decision and order on 5/23/25 (DOC 128, section 1; DOC 129, section 1).

For the reasons stated above, Nesian is in contempt of the 3/11/25 information subpoena and the court's 5/12/25 decision and order directing him to comply with this subpoena. In order to purge himself of the contempt, Nesian must serve a response to the information subpoena or pay his obligation under the judgment within 30 days of service of this order upon him. If Nesian fails to purge this contempt within 30 days of service of this decision and order with notice of entry, plaintiff may move for an order seeking additional relief.

The court has considered Nesian's remaining arguments and finds them unavailing.

Accordingly, it is

**ORDERED** that Motion Seq. Nos. 08 and 09 are denied; and it is further

**ORDERED** that Motion Seq. No. 07 is granted to the extent set forth in this decision and order; and it is further

**ORDERED and ADJUDGED** that Defendant Jean Nesian is in contempt of the March 11, 2025 information subpoena and the court's 5/12/25 decision and order directing him to comply with the 3/11/25 information subpoena; and it is further


**ORDERED and ADJUDGED** that that the contempt was calculated to and did actually defeat, impair, impede, and prejudice the rights of the judgment creditor herein, and it is further

**ORDERED** that for the contempt of this court, Nesian is fined the sum of \$50 to be paid to judgment creditor's attorney, Blank Rome LLP, within ten (10) days after service of a copy of this order with notice of entry, and it is further

**ORDERED** that defendant Jean Nesian must purge his contempt by serving complete responses to the 3/11/25 information subpoena or by satisfying the judgments against him, plus

any applicable interest, within 30 days after service of this order with notice of entry upon him; and it is further

**ORDERED** that petitioner shall serve a copy of this order with notice of entry upon all respondents by certified mail, return receipt requested, and proof of service of this order must be filed with the County Clerk in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the “E-filing” page on the court’s website –[www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)).

7/14/2025			
DATE			MELISSA A. CRANE, J.S.C.
CHECK ONE:	<input checked="" type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input type="checkbox"/> NON-FINAL DISPOSITION
APPLICATION:	<input type="checkbox"/> GRANTED	<input type="checkbox"/> DENIED	<input checked="" type="checkbox"/> GRANTED IN PART
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> OTHER
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT
			<input type="checkbox"/> REFERENCE