

Best Work Holdings (N.Y.) LLC v Ma

2025 NY Slip Op 33049(U)

July 30, 2025

Supreme Court, New York County

Docket Number: Index No. 654826/2022

Judge: Arlene P. Bluth

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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. ARLENE P. BLUTH **PART** **14**

Justice

-----X

BEST WORK HOLDINGS (NEW YORK) LLC,
Plaintiff,

INDEX NO. 654826/2022

MOTION DATE 07/23/2025

MOTION SEQ. NO. 014

- v -

JIA IVY MA, YUN TOMMY LI

**DECISION + ORDER ON
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 014) 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367

were read on this motion to/for SANCTIONS.

Plaintiff’s motion for *inter alia* sanctions to be imposed on defendant Li is decided as described below. The Court notes that although plaintiff filed a note of issue, it was noted thereon that discovery issues remained.

Background

Plaintiff, a wholly owned subsidiary of Fang Holdings, Ltd. (“Fang”), owns a 19-story building located at 72 Wall Street in downtown Manhattan. Defendant Ma admits that she worked for both Fang and plaintiff during the relevant time; she was allegedly in charge of a renovation project on the building. Defendant Li allegedly held himself out as a contractor providing construction work on the building. Plaintiff alleges that defendants, working together, created fake contracting companies and submitted invoices related to the renovation of plaintiff’s building. According to plaintiff, Li created companies with similar names to contractors who actually did work. Li submitted these fraudulent invoices to Ma who then approved them and wired payments to a bank account that was attached to Li’s business entity.

In this motion, plaintiff seeks to strike defendant Li's answer for failure to appear for a deposition and produce relevant documents. Plaintiff details that it sent various deficiency letters to defendant Li in late 2023 and that Li did not fully respond—it claims he only produced 13 pages of discovery. Plaintiff then apparently sent another deficiency letter on May 9, 2025 to which defendant Li responded with 30 email threads. It contends that Li failed to produce any of his WeChat, text messages or communications with co-defendant Ma. Plaintiff admits that on May 21, 2025, Li produced 59 pdf email attachments without the underlying emails and that these documents are purportedly unresponsive.

With respect to the deposition, plaintiff claims that Li has cancelled or otherwise cut short his deposition on five occasions. It observes that the excuses have included counsel for defendant claiming illness and that defendant Li himself was ill.

In opposition, defendant Li contends that he has high blood pressure and that he had a crisis during the January 9, 2025 deposition. He claims that he suffered a prior leg injury which makes sitting for long periods of time difficult and that his legs started to bleed during this deposition. Li admits that the June 26, 2025 deposition was cut off because of his high blood pressure about 90 minutes after the deposition began. He insists he can only sit for a deposition for two hours at a time and needs 7-10 days in between each session.

Li also insists he has made numerous supplemental document productions that plaintiff failed to cite in is moving papers and points out that plaintiff waited nearly two years to suddenly seek documents, right as the note of issue deadline approached. Li points out that plaintiff actually filed the note of issue on June 4, 2025.

Discussion

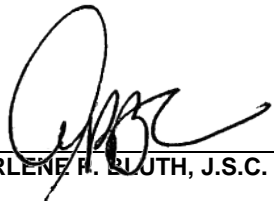
As an initial matter, plaintiff is certainly entitled to complete the deposition of defendant Li. To put it plainly, this Court has no medical expertise and therefore has no basis to question Li's insistence that he can only do his deposition at two-hour intervals every 7-10 days. And because he says he can handle this type of arrangement, that is how this deposition shall be completed: defendant Li is hereby directed to appear for two hours of his deposition, every 10 days, starting on August 5, 2025. That means the second date will be August 15, 2025, the third date August 25, 2025 etc. until the deposition is finished. These depositions may be adjourned *only* for good cause (i.e., not for a vacation or based on preference). This schedule should ensure the completion of the deposition before the end of August given that there were already a few sessions and depositions are limited to seven hours (22 NYCRR 202.20-b).

The documents issue presents a more perplexing topic. On the one hand, plaintiff clearly thinks that there is more discovery (and Li has, in fact, made a couple of supplemental productions) and noted so in the note of issue filed on June 4, 2025, which no party has moved to vacate. Therefore, the Court finds as follows: Li has until August 5, 2025 to produce any other records in his possession. Any documents not turned over prior to this deadline may not be used affirmatively by Li in any manner, either at trial or on any motion. The failure to produce documents may also result in an adverse inference against Li at trial (which determination is up to the trial judge) assuming plaintiff can show Li's failure to produce documents within his possession, custody and control. This does not include anything that may arise out of the deposition, such as post-EBT requests; any failure to produce documents pursuant to post-EBT requests may be determined in a later motion.

Accordingly, it is hereby

ORDERED that plaintiff’s motion is granted only to the extent that defendant Li must appear for a deposition on August 5, 2025 for two hours and then every ten days for two hours at a time until completion of the deposition and Li must turn over any relevant documents in his possession, custody and control by August 5, 2025 (and any documents not produced by this date may not be used affirmatively at trial or in a dispositive motion, and may be subject to an adverse inference; any failure to produce documents requested in connection with his pending EBT may be subject to a later motion).

No future date is required as plaintiff has already filed the note of issue.

<u>7/30/2025</u> DATE					 <hr/> ARLENE R. BLUTH, J.S.C.
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input checked="" type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE