

**Crews Vineyard, LLC v CP3 Holdings, LLC**

2025 NY Slip Op 33270(U)

September 2, 2025

Supreme Court, New York County

Docket Number: Index No. 651485/2024

Judge: Andrew Borrok

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 53

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CREWS VINEYARD, LLC, PINNACLE MANAGEMENT  
GROUP, LLC

Plaintiff,

- v -

CP3 HOLDINGS, LLC, BOOTHE HOLDINGS,

Defendant.

INDEX NO. 651485/2024

MOTION DATE 06/06/2025

MOTION SEQ. NO. 002

**DECISION + ORDER ON  
MOTION**

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HON. ANDREW BORROK:

The following e-filed documents, listed by NYSCEF document number (Motion 002) 46, 47, 48, 49, 50, 51

were read on this motion to/for AMEND CAPTION/PLEADINGS.

Upon the foregoing documents, Crews LAX1, LLC, Crews LAX2, LLC, Crews LAX3, LLC, Crews DCA, LLC, Crews DCA2, LLC, Airport Retail Management, LLC, Crews Enterprises, LLC, Crews Of California, LLC, and Crews IAD, LLC (collectively, the **Assignees**)’s motion to amend the complaint to substitute the Assignees as plaintiffs in this action in place of Crews Vineyard, LLC and Pinnacle Management Group, LLC (collectively, the **Assignors**) is GRANTED as unopposed.

Pursuant to CPLR 3205(b), leave to amend pleadings should be freely given unless there is prejudice or surprise resulting from the delay to the opposing party or if the proposed amendment is “palpably improper or insufficient as a matter of law” (*McGhee v Odell*, 96 AD3d 449, 450 [1st Dept 2012]). CPLR 1018 provides that, upon any transfer of interest, the court may direct the person to whom the interest is transferred to be substituted or joined in the action.

CPLR 1021 provides that a motion for substitution may be made by the successors of a party.

Pursuant to a certain Settlement Agreement, Release, and Assignment of Claim (NYSCEF Doc. No. 48), dated February 13, 2025, by and among the Assignors and the Assignees, the Assignors assigned to the Assignees the claims which the Plaintiffs assert in this action against CP3 Holdings, LLC and Boothe Holdings LLC (collectively, the **Defendants**).

Inasmuch as the proposed Amended Complaint (the **AC**; NYSCEF Doc. No. 49) presents no surprise or prejudice and cannot be said to be utterly devoid of merit or palpably improper, the motion is granted as unopposed.

Accordingly, it is hereby

ORDERED that the Assignees' motion for leave to amend the complaint is GRANTED as unopposed; and it is further

ORDERED that the AC in the proposed form (NYSCEF Doc. No. 49) shall be deemed served upon service of a copy of this Decision and Order with notice of entry thereof; and it is further

ORDERED that the Defendants shall serve an answer to the AC or otherwise respond thereto within 20 days from the date of said service; and it is further

ORDERED that the Assignees shall upload a clean copy of the AC to NYSCEF within five days of this Decision and Order; and it is further

ORDERED that the action shall bear the following caption:

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CREWS LAX1, LLC, CREWS LAX2, LLC, CREWS LAX3, LLC, CREWS DCA, LLC, CREWS DCA2, LLC, AIRPORT RETAIL MANAGEMENT, LLC, CREWS ENTERPRISES, LLC, CREWS OF CALIFORNIA, LLC, and CREWS IAD, LLC,

Plaintiffs,

- v -

CP3 HOLDINGS, LLC and BOOTHE HOLDINGS LLC

Defendants.

-----X

; and it is further

ORDERED that counsel for the moving party shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the Clerk of the General Clerk’s Office (60 Centre Street, Room 119), who are directed to mark the court’s records to reflect the parties being added pursuant hereto; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk's Office shall be made 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).

  
20250902120007ABORROK15A60FC8411ABB726BAC96A84DEC

9/2/2025  
DATE

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ANDREW BORROK, J.S.C.

CHECK ONE:

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CASE DISPOSED

GRANTED

DENIED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

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NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: