

Cirillo v Green Crown LLC

2025 NY Slip Op 33528(U)

September 17, 2025

Supreme Court, New York County

Docket Number: Index No. 657110/2021

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

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FRANCESCO CIRILLO, ANDREW BRENTA, UBIQ NY,
LTD,

Plaintiffs,

INDEX NO. 657110/2021

MOTION DATE 9/3/2025

MOTION SEQ. NO. 007

- v -

GREEN CROWN LLC A/K/A GREEN CROWN 669, LLC,
MASSIMO COCCO, MASMAR LLC, REUBEN PINNER,
THE RYL GROUP LLC

Defendants.

**DECISION + ORDER ON
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 007) 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 111, 117, 118, 119

were read on this motion to/for VACATE NOI, EXTEND DISCOVERY, STRIKE PLEADINGS.

Plaintiffs’ motion to vacate the note of issue deadline, to extend discovery, and for sanctions against defendants is decided as described below.

Background

In this breach of contract action, plaintiffs allege that they entered into a valid and binding contract with defendants to provide brokerage and consulting services in connection with a real estate project in Brooklyn and that defendants failed to honor their obligations to pay plaintiffs. Defendants contend that plaintiffs were not entitled to the fees.

After the parties ignored the Court’s directive to provide an update on discovery, the Court issued an order on April 2, 2025, ordering the parties to file a note of issue on or before April 25, 2025 (NSYCEF Doc. No. 43). Thereafter, the deadline to file the note of issue was extended a few more months, to August 12, 2025 (NYSCEF Doc. No. 57).

Here, plaintiffs contend that discovery is not complete and therefore move to extend the discovery period and vacate or extend the note of issue deadline and to impose sanctions. Plaintiffs ask the Court to strike defendants' answer, to preclude defendants from offering evidence at trial, to grant an adverse inference against defendants, to grant plaintiffs costs and attorneys' fees associated with holding defendants' deposition, to grant plaintiffs costs and attorneys' fees associated with bringing the instant motion, and to grant such other and further relief the Court deems just and proper. Plaintiffs support their motion by citing to defendants' repeated failure to comply with Court-ordered discovery deadlines.

The Court previously granted plaintiffs' motion to compel and for attorneys' fees in the amount of \$5,500 in a motion that went unopposed (NYSCEF Doc. No. 38). The Court granted a second award for legal fees, in another motion brought by plaintiffs that went unopposed, for \$10,212.50 (NYSCDF Doc. No. 71).

Defendants have hired new counsel and blame prior counsel for their failures. Defendants, by new counsel, have a pending motion currently returnable October 10, 2025 (NYSCEF Doc. No. 113) to vacate the Court's previous decisions which awarded attorneys' fees to plaintiffs. Here, defendants claim that the failure to comply with any Court-ordered deadlines is the fault of defendants' previous attorney, and that imposing further sanctions would therefore be improper.

Discussion

As an initial matter, defendants do not oppose the part of plaintiffs' motion which seeks to vacate the note of issue deadline and to extend the deadlines for discovery; defendants also state that discovery is unfinished and ask for more time to complete discovery. The Court

therefore grants the parts of plaintiffs' motion which seek extend the deadlines for discovery and to file the note of issue.

Sanctions

In plaintiffs' reply, they do not address defendants' argument against imposing sanctions on defendants – that the failure to comply with previous orders was not defendants' fault, but the fault of defendants' previous attorney. The affirmation of defendant Reuben Pinner details a complete lack of communication between defendants and their prior counsel about any discovery obligations. Furthermore, all of the instances that plaintiffs listed where defendants did not comply with Court orders involved defendants' prior counsel who was on this case until defendants' new attorneys filed a consent to change attorney form on August 20, 2025 (NYSCEF Doc. No. 112). Since defendants claim that they did not know about the Court-ordered discovery obligations, and plaintiffs have not alleged that defendants' new counsel has failed to meet any Court-ordered deadlines, the Court denies the part of plaintiffs' motion which seeks to impose further sanctions upon defendants at this time.

Now that defendants are fully aware of their obligations, and they have a new attorney, the Court expects them to cooperate fully and expeditiously with all discovery obligations. This case must be made a priority. A note of issue should be ready to be filed very soon.

Accordingly, it is hereby

ORDERED that the part of plaintiffs' motion which seeks to vacate the note of issue deadline and to extend discovery is granted; and it is further

ORDERED that the part of plaintiffs' motion which seeks sanctions against defendants is denied at this time; and it is further

ORDERED that any other relief that the parties sought is denied.

The Court will schedule a conference for October 6, 2025 at 10 a.m. On or before September 29, 2025, the parties shall upload 1) a stipulation about discovery signed by all parties, 2) a stipulation of partial agreement that identifies the areas in dispute or, 3) letters explaining why no agreement about discovery could be reached. The Court will then assess whether a conference is necessary (i.e., if the parties agree, then an in-person conference may not be required).

9/17/2025
DATE


ARLENE P. BLUTH, J.S.C.

CHECK ONE:

CASE DISPOSED
GRANTED DENIED
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT

OTHER
REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: