

Arnett v Algin Mgt. Co LLC

2025 NY Slip Op 33558(U)

September 19, 2025

Supreme Court, New York County

Docket Number: Index No. 655401/2024

Judge: Lyle E. Frank

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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. LYLE E. FRANK **PART** **11M**

Justice

-----X

Arnett, Samantha

Plaintiff,

- v -

Algin Management Co LLC et al

Defendant.

-----X

INDEX NO. 655401/2024

MOTION DATE 08/04/2025

MOTION SEQ. NO. 005

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 005) 54, 55, 56, 57, 58, 59

were read on this motion to/for MODIFY ORDER/JUDGMENT.

Upon the foregoing documents, defendant’s motion is granted in part.

Background

Plaintiff Samantha Arnett filed the underlying proceeding in October of 2024, alleging that defendants Sam Hsu and Madelyn Samson (the “Individual Defendants”) fraudulently induced her to move to New York to work as a live-in Home Care Aide. Plaintiff further alleged that she was severely mistreated by the Individual Defendants. During an attempt at self-help eviction by the Individual Defendants, Plaintiff’s legal counsel (John H. Snyder, Esq.) went to the building where he had an apparently unpleasant interaction with management staff for the building. As a direct result of counsel’s interactions with management staff, and apparently in an intentional attempt to get defendant Algin Management Co LLC (“Algin” or the “Business Defendant”)’s counsel to be “reasonable”, Algin was included in the complaint and alleged to be complicit in the mistreatment of Plaintiff. The Court notes that the majority of the allegations made regarding Algin in the complaint are either conclusory or display outrage over the tone of their interactions with Snyder.

Algin answered and moved to dismiss the complaint against them for failure to state a claim. They also moved for attorneys' fees and sanctions against Snyder. That motion was granted unopposed in an order dated April 4, 2025. The order declined to issue sanctions but granted Algin attorneys' fees and ordered that Algin could make a separate application for the reasonable amount. On April 15, 2025, Plaintiff settled the matter with the remaining defendants and the action was discontinued with prejudice as to the Individual Defendants. Shortly thereafter, Plaintiff moved to dismiss the matter as against Algin, and Algin moved for a money judgment of \$25,035.31 in attorneys' fees. The Court granted the money judgment in an order dated May 30, 2025 (the "May Order") and denied the motion by Plaintiff, noting that the Court had already dismissed the matter as against Algin. Following those motions, Plaintiff moved by Notice of Motion to vacate the order granting the money judgment. This motion was granted unopposed (the "Vacate Order") to the extent that it awarded a sum certain.

Discussion

Algin now moves unopposed to renew the Vacate Order. A party may bring a motion to renew pursuant if it is "based upon new facts not offered on the prior motion that would change the prior determination." CPLR § 2221(e)(2). When bringing a motion to renew based upon new facts, the movant must show "reasonable justification for the failure to present such facts on the prior motion." CPLR § 2221(e)(3). Here, Algin's reasonable excuse is law office failure. Their opposition papers were prepared in advance, but due to a technical error the reminder to file was not sent and the papers were not timely uploaded to the electronic docket. A court may accept law office failure as a reasonable justification under CPLR § 2221(e)(3). *See, e.g., Hernandez v. Marcano*, 161 A.D.3d 676, 677 [1st Dept. 2018]. The Court considers Algin's explanation to be a reasonable justification. Algin's papers more than satisfy the burden of opposing Plaintiff's

original motion to vacate the award of attorneys' fees. Although there has been something of a procedural tangle, in this motion the Court will grant renewal, and in doing so reverse the default vacatur of the May Order that had been granted, essentially restoring the May Order's judgment.

The Court Is Considering Sanctions Pending a Hearing

Because the May Order declined to issue sanctions, the Court will not award them here for the first time. The Court notes, however, that a review of the docket in this matter reveals clearly unprofessional behavior by Snyder.¹ The decision to include Algin in the matter was openly admitted in the papers to be an attempt to get them to be "reasonable" and due in part to their agent's demeanor towards counsel, rather than on the merits. Snyder has provided no evidence showing that Algin was "100% a part" of a human trafficking scheme as is explicitly alleged in the complaint, or even a statement that he genuinely believed that allegation to have merit at any point during this matter. The complaint states that "Algin Management should be ashamed" but this sentiment is directed at the wrong party. As a result, the Court is seriously considering sanctions. In order to ensure that Plaintiff's counsel has a full opportunity to be heard on the matter, the Court will be holding a hearing on the issue of whether the attorneys' fees judgment should be paid by Plaintiff or Snyder as was originally requested, in addition to other possible sanctions. Accordingly, it is hereby

ADJUDGED that the motion is granted in part; and it is further

ORDERED that the parties are directed to appear for a hearing on October 7th, 2025, at 2:15 p.m. in Part 11, Room 412, 60 Centre Street.

¹ Counsel's repeated explanations that this was a pro bono matter are irrelevant and unavailing.

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9/19/2025
DATE

LYLE E. FRANK, J.S.C.

CHECK ONE:

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: