

**Rael Automatic Sprinkler Co., Inc. v 20 TSQ
GroundCo LLC**

2025 NY Slip Op 33680(U)

October 1, 2025

Supreme Court, New York County

Docket Number: Index No. 160958/2020

Judge: Joel M. Cohen

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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 03M

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RAEL AUTOMATIC SPRINKLER COMPANY, INC.,
Plaintiff,

- v -

20 TSQ GROUNDSCO LLC,CNY CONSTRUCTION 701
LLC,NATIXIS REAL ESTATE CAPITAL LLC,NATIXIS,
NEW YORK BRANCH, NEW YORK TUBS, LLC,FACADE
TECHNOLOGY, LLC,HARDER SERVICES,
INC.,SIGNATURE METAL AND MARBLE
MAINTENANCE, LLC,TEXAS SCENIC COMPANY,
INC.,PENGUIN MAINTENANCE AND SERVICES,
INC.,SOLAR ELECTRIC SYSTEMS, INC.,A.F. SUPPLY
CORP., TREX COMMERCIAL PRODUCTS,
INC.,SAFWAY ATLANTIC, LLC,B.A.C.C. BUILDERS
INC.,LIF INDUSTRIES, LLC,CUMMING MANAGEMENT
GROUP, INC.,LIVINGSTON ELECTRICAL ASSOCIATES,
INC.,PGS MILLWORK, INC.,TRANSCONTINENTAL
CONTRACTING, INC.,ARGOSY DESIGNS
INC.,AMERICAN INDUSTRIES CORP. OF NEW YORK,
UNITED STATES INFORMATION SYSTEMS, INC.,PLATT
BYARD DOVELL WHITE ARCHITECTS L.L.P., ASPRO
PLUMBING INC.,DESIMONE CONSULTING
ENGINEERING GROUP, LLC,CONSOLIDATED CARPET
WORKROOM, LLC,BLONDIE'S TREEHOUSE
INCORPORATED, PARAMOUNT PAINTING GROUP,
LLC,DOOR AUTOMATION CORP., SMARTWOOD
INTERNATIONAL LLC,E. FRIEDMAN ASSOCIATES,
INC.,INFINITE SAFETY, QUALITY, AND
CONSTRUCTION MANAGEMENT INC.,ULE GROUP
CORP., TETRA TECH ENGINEERS ARCHITECTS &
LANDSCAPE ARCHITECTS, P.C. D/B/A COSENTINI
ASSOCIATES, D3 LED, LLC,NAVILLUS TILE,
INC.,FACADE MAINTENANCE SYSTEMS LLC,OTIS
ELEVATOR COMPANY, R&S UNITED SERVICES,
INC.,JEROME ALUMINUM PRODUCTS CORP.,
MONTBLEAU & ASSOCIATES, INC.,MARAGOS
PAINTING LLC,NEXT STEP DESIGN, JANTILE
INCORPORATED, JOHN DOE 1 THROUGH 10, 20 TSQ
LESSEE LLC,701 SEVENTH PROPERTY OWNER
LLC,THE WITKOFF GROUP, BURO HAPPOLD
CONSULTING ENGINEERS, P.C.,KINGS COUNTY
WATERPROOFING CORP., SERVICE GLASS & STORE
FRONT CO., INC.,METAL SALES CO., INC.,CORD
CONTRACTING CO. INC.

Defendants.

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INDEX NO. 160958/2020

MOTION DATE 06/25/2025

MOTION SEQ. NO. 007

**DECISION + ORDER ON
MOTION**

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 007) 456, 457, 458, 459 were read on this motion to AMEND CAPTION/PLEADINGS.

Plaintiff Rael Automatic Sprinkler Company, Inc. moves pursuant to CPLR 3025 for an order amending the complaint and the caption to add U.S. Specialty Insurance Company ("U.S. Specialty") as a defendant. For the reasons set forth below, Rael's unopposed motion is granted.

CPLR 3025(b) provides that "[a] party may amend his or her pleading, or supplement it by setting forth additional or subsequent transactions or occurrences, at any time by leave of court" "Motions for leave to amend should be freely granted, absent prejudice or surprise . . . unless the proposed amendment is palpably insufficient or patently devoid of merit" (*MBIA Ins. Corp. v Greystone & Co., Inc.*, 74 AD3d 499, 499 [1st Dept 2010]). Courts have held that prejudice "arises when a party incurs a change in position or is hindered in the preparation of its case or has been prevented from taking some measure in support of its position" (*Valdes v Marbrose Realty*, 289 AD2d 28, 29 [1st Dept 2001]; *Anoun v City of New York*, 85 AD3d 694, 694 [1st Dept 2011]). A party opposing leave to amend "must overcome a heavy presumption of validity in favor of [permitting amendment]." (*CIFG Assur. N. Am., Inc. v J.P. Morgan Sec. LLC*, 146 AD3d 60, 65 [1st Dept 2010]).

Here, Rael seeks to add U.S. Specialty as a defendant based on its issuance of the discharge bonds that now secure Plaintiff's claims against Defendant 20 TSQ GroundCo, LLC ("GroundCo").¹ Thus, this amendment stems from developments occurring after the

¹ By Decision and Order dated June 28, 2024, the Court granted GroundCo's motion to cancel notices of pendency filed by Rael and other defendants on the ground that the notices were discharged (NYSCEF 439).

commencement of the action. No party has asserted prejudice as a result of this proposed amendment.

Accordingly, it is

ORDERED that Rael's motion is **GRANTED**; it is further

ORDERED that Rael file the amended complaint on NYSCEF within 5 business days from the date of this Order; it is further

ORDERED that a supplemental summons and amended complaint, in the form annexed to the motion papers, shall be served, in accordance with the Civil Practice Law and Rules, upon the newly added Defendant in this action within 14 days after service of a copy of this order with notice of entry; it is further

ORDERED that the newly added Defendant shall serve an answer or otherwise respond to the Amended Complaint within 20 days from being served with the supplemental summons and amended complaint; it is further

ORDERED that the action shall, upon filing the amended complaint, bear the following caption:

[RAEL AUTOMATIC SPRINKLER COMPANY, INC.,

-against-

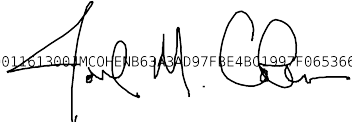
20 TSQ GROUNDSCO LLC, CNY CONSTRUCTION 701 LLC, NATIXIS REAL ESTATE CAPITAL LLC, NATIXIS, NEW YORK BRANCH, NEW YORK TUBS, LLC, FAÇADE TECHNOLOGY, LLC, HARDER SERVICES, INC., SIGNATURE METAL AND MARBLE MAINTENANCE, LLC, TEXAS SCENIC COMPANY, INC., PENGUIN MAINTENANCE AND SERVICES, INC., SOLAR ELECTRIC SYSTEMS, INC., A.F. SUPPLY CORP., TREX COMMERCIAL PRODUCTS, INC., SAFWAY ATLANTIC, LLC, B.A.C.C. BUILDERS INC., LIF INDUSTRIES, LLC, CUMMING MANAGEMENT GROUP, INC., LIVINGSTON ELECTRICAL ASSOCIATES, INC., PGS MILLWORK, INC., TRANSCONTINENTAL CONTRACTING, INC., ARGOSY DESIGNS INC., AMERICAN INDUSTRIES CORP. OF NEW YORK, UNITED STATES INFORMATION SYSTEMS, INC., PLATT BYARD DOVELL WHITE ARCHITECTS L.L.P., ASPRO PLUMBING INC., DESIMONE CONSULTING ENGINEERING GROUP, LLC, CONSOLIDATED CARPET WORKROOM, LLC, BLONDIE'S TREEHOUSE INCORPORATED, PARAMOUNT PAINTING GROUP, LLC, DOOR AUTOMATION CORP., SMARTWOOD INTERNATIONAL LLC, E. FRIEDMAN ASSOCIATES, INC., INFINITE SAFETY, QUALITY, AND CONSTRUCTION MANAGEMENT INC., ULE GROUP CORP., TETRA TECH ENGINEERS ARCHITECTS & LANDSCAPE ARCHITECTS, P.C., D3 LED, LLC, NAVILLUS TILE, INC., FAÇADE MAINTENANCE SYSTEMS LLC, OTIS ELEVATOR COMPANY, R & S UNITED SERVICES, INC., JEROME ALUMINUM PRODUCTS CORP., MONTBLEAU & ASSOCIATES, INC., MARAGOS PAINTING LLC, NEXT STEP DESIGN, JANTILE INCORPORATED, U.S. SPECIALTY INSURANCE COMPANY and JOHN DOE #1 through John DOE #10, defendants being fictitious, it being intended to name all other parties who may have some interest in or lien upon the premises sought to be foreclosed]

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 and the Clerk of the General Clerk's Office, who are directed to mark the court's records to reflect the party being added pursuant hereto (U.S. Specialty Insurance Company); 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].

This constitutes the Decision and Order of the Court.

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JOEL M. COHEN, J.S.C.

10/01/2025
DATE

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION		
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART		
		<input type="checkbox"/>	DENIED	<input 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