

Inzlicht-Sprei v Kahan

2025 NY Slip Op 33682(U)

September 30, 2025

Supreme Court, Kings County

Docket Number: Index No. 511321/2024

Judge: Anne J. Swern

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This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part 75 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 30th day of September 2025.

P R E S E N T: HON. ANNE J. SWERN, Justice.

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ELI INZLICHT-SPREI, M.D., TIFERES YAAKOV, INC.,
and HAVE DOCTOR WILL TRAVEL MEDICAL, P.C,

Plaintiffs,

-against-

HAIM KAHAN, MESHULEM ESHULEM FEISH BEN
MORDECHAI, INC., CFA BROAD LENDER LLC,
IDT INVESTOR GROUP QOF LLC, and
520 BROAD STREET PROPCO LLC,

Defendants.

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DECISION & ORDER

Index No. 511321/2024

Mot. Seq. No. 5 & 6

Recitation of the following papers as required by CPLR 2219 [a]:

NYSCEF Doc Nos.:

Notice of Motion, Affirmations in Support and Exhibits Annexed	64-67; 68-69
Affirmations in Opposition and Exhibits Annexed	70; 72
Reply Affirmations and Exhibits Annexed	73; 74

In this action, inter alia, to recover damages for breach of contract, defendants Haim Kahan (“Kahan”), Meshulem Eshulem Feish Ben Mordechai, Inc. (“Meshulem”), CFA Broad Lender LLC (“CFA”), and IDT Investor Group QOF LLC (“IDT” and collectively with Kahan, Meshulem, CFA, and IDT, the “Kahan defendants”), as well as defendant 520 Broad Street Propco LLC (“Propco” and collectively with the Kahan defendants, the “defendants”), jointly move, pre-answer, for an order, pursuant to CPLR 3211 (a) (1), (5), (7), and 3016 (b), dismissing the Verified Amended Complaint, dated September 23, 2024 (the “amended complaint”), of plaintiffs Eli Inzlicht-Sprei, M.D.,

Tiferes Yaakov, Inc., and Have Doctor Will Travel Medical, P.C. (collectively, the “plaintiffs”) (Seq. No. 5). Concurrently, plaintiffs jointly move for a temporary restraining order and a preliminary injunction, pursuant to CPLR 6301 and 6313 (Seq. No. 6).

Plaintiffs commenced this action against (among others) the Kahan defendants to recover damages for fraud in the inducement and breach of contract (the first and second causes of action, respectively) in relation to the still outstanding and uncollected \$10 million real estate advance for the development/reconstruction of a commercial building at 520 Broad Street in Newark, New Jersey (the “Propco transaction”). Plaintiffs asserted additional claims sounding in unjust enrichment, constructive trust, and declaratory relief (the third, fourth, and fifth causes of action, respectively), in connection with the Propco transaction, as against the Kahan defendants, as well as against Propco.

As pleaded in the amended complaint, plaintiffs’ \$10 million advance (via the Kahan defendants) was part of a larger \$28.3 million investment which Kahan pooled into CFA (from plaintiffs and others) and allegedly invested in the underlying property. In a separate action commenced by CFA against Propco under Index No. 507525/2023 (which action is referenced in the amended complaint), CFA obtained against Propco a judgment, dated May 20, 2024, in the principal sum of \$39,681,186.62 (inclusive of the initial principal sum of \$28.3 million) (the “CFA-Propco judgment”). After the instant motions were filed but before they were fully submitted on May 22, 2025, the CFA-Propco judgment was vacated (and the underlying action was discontinued with prejudice) by the so-ordered Stipulation Vacating Judgment (and the so-ordered

Stipulation of Discontinuance with Prejudice), each dated February 13, 2025 (NYSCEF Doc Nos. 126 and 127 in the underlying action, respectively).

Upon review of the foregoing papers and after oral argument, it is

ORDERED that, in Motion Sequence #5, the defendants' pre-answer motion to dismiss is *granted to the extent* that plaintiffs' fraud in the inducement, unjust enrichment, constructive trust, and declaratory relief in the first, third, fourth, and fifth causes of action of the amended complaint, respectively, are *each dismissed with prejudice*, and the remainder of their motion is denied; and it is further

ORDERED that, for the avoidance of doubt, the action shall proceed on plaintiffs' second cause of action for breach of contract as pleaded in the second cause of action of the amended complaint as against each and all Kahan defendants only (but not as against Propco); and it is further

ORDERED that, Motion Sequence #6, plaintiffs' motion for a temporary restraining order and a preliminary injunction, pursuant to CPLR 6301 and 6313, is *denied in its entirety*; and it is further

ORDERED that plaintiffs' counsel is directed to electronically serve a copy of this order with notice of entry on defendants' counsel within 30 days of its entry in NYSCEF and to electronically file an affidavit of service thereof with the Kings County Clerk; and it is further

ORDERED that the Kahan defendants are directed to interpose an answer to the remaining portions of the amended complaint within twenty (20) days after electronic

service of this order with notice of entry by the plaintiffs' counsel on the defendants' counsel; and it is further

ORDERED that to reflect dismissal of defendant Propco from this action, the Clerk of the Court shall amend the caption to read in its entirety as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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ELI INZLICHT-SPREI, M.D.,
TIFERES YAAKOV, INC., and
HAVE DOCTOR WILL TRAVEL MEDICAL, P.C,

Plaintiffs,

-against-

HAIM KAHAN, MESHULEM ESHULEM FEISH BEN
MORDECHAI, INC., CFA BROAD LENDER LLC,
and IDT INVESTOR GROUP QOF LLC,

Defendants.

-----X

This constitutes the Decision and Order of the Court.

ENTER FORTHWITH,



HON. ANNE J. SWERN, J.S.C.
Dated: 9/30/2025