

People v HIGHUP CLOTHING LLC

2025 NY Slip Op 33958(U)

October 14, 2025

Supreme Court, New York County

Docket Number: Index No. 452570/2025

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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PEOPLE OF THE STATE OF NEW YORK, BY LETITIA
JAMES, ATTORNEY GENERAL OF THE STATE OF NEW
YORK

Petitioner,

- v -

HIGHUP CLOTHING LLC,

Respondent.

INDEX NO. 452570/2025

MOTION DATE 09/12/2025

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 001) 1, 2, 3, 4, 9
were read on this motion for DISSOLUTION.

The People of the State of New York, by their attorney, Letitia James, Attorney General of the State of New York (“NYAG”) filed a Petition pursuant to Executive Law § 63(12) against Respondent HIGHUP CLOTHING LLC (“Respondent”), seeking to dissolve Respondent; permanently enjoin Respondent from continuing any fraudulent or illegal acts; and issuing an order directing that the name and address listed as the name and address for service of process for Respondent shall not appear in the Entity Information search results page for online searches of the Department of State’s Division of Corporations, Corporation and Business Entity Database for Respondent. Respondent has not responded, filed an answer, or otherwise appeared in this action. For the following reasons, NYAG’s Petition is granted.

Executive Law § 63(12) provides for relief upon petition by the NYAG “whenever any person shall engage in repeated fraudulent or illegal acts or otherwise demonstrate persistent fraud or illegality in the carrying on, conducting or transaction of business.” Executive Law §

63(12) defines “fraud” and “fraudulent” to include “any device, scheme or artifice to defraud and any deception, misrepresentation, concealment, suppression, false pretense, [or] false promise.”

The NYAG has broad investigatory and enforcement powers under Section 63(12) (*People by James v Richmond Capital Group LLC*, 80 Misc 3d 1213(A) [Sup Ct New York County 2023] [collecting cases]).

The NYAG has established that Respondent’s Articles of Organization misrepresent the address at which Respondent may receive process from the Secretary of State. Specifically, the Articles of Organization for HIGHUP CLOTHING LLC, filed on April 18, 2024, state that the Organizer of HIGHUP CLOTHING LLC is a certain Non-Party with an address in Flushing, New York (NYSCEF 2). The Articles of Organization also list the Non-Party as the agent for any service of process (*id.*).

However, according to the complaint/affirmation filed by the Non-Party with the NYAG’s Bureau of Consumer Frauds and Protection, the Non-Party is not affiliated with the Respondent, and did not authorize the use of her address in connection with Respondent’s formation (*see* NYSCEF 3). She submits that her “credit report was pulled by two separate companies” and that she has “been receiving mail that states my name, address, and a supposed LLC under my name” and requests “this LLC to be closed and taken out from under my name” (*id.*). According to the Petition, Respondent’s false filing has caused harm to the Non-Party, whose name and address Respondent has wrongly adopted, as well as to the Department of State and anyone else who attempts to contact Respondent (NYSCEF 1).

Since the record demonstrates (without opposition) that Respondent has provided a false address for service upon HIGHUP CLOTHING LLC, and there is no other address listed for

HIGHUP CLOTHING LLC, NYAG has filed an affirmation of service of the Petition and supporting papers on Respondent through the Secretary of State (NYSCEF 9).

Accordingly, it is

ORDERED that the NYAG's unopposed Petition is **GRANTED**; it is further

ORDERED that Respondent HIGHUP CLOTHING LLC is permanently enjoined from continuing any fraudulent or illegal acts including but not limited to maintaining fraudulent Articles of Organization; it is further

ORDERED, ADJUDGED, and DECREED that, pursuant to Executive Law 63(12), Respondent HIGHUP CLOTHING LLC shall be dissolved forthwith because of persistent fraud in the carrying on of its business, specifically by filing fraudulent articles of organization with the Department of State; it is further

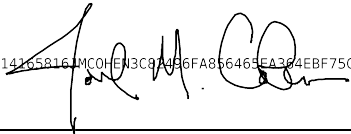
ORDERED that the Clerk of Court enter judgment in favor of Petitioner and against Respondent; it is further

ORDERED, ADJUDGED, and DECREED that the Clerk of the Court shall provide a certified copy of this Order and Judgment to the Attorney General, and it is further

ORDERED, ADJUDGED, and DECREED that the Attorney General shall transmit a certified copy of the Order and Judgment to the Department of State, which, by filing a copy of the same, shall dissolve HIGHUP CLOTHING LLC and remove the address of the current registered agent from its public records, including from the Department of State's Division of Corporations and Corporation and Business Entity Database; and it is further

ORDERED that the NYAG serve a copy of this Decision and Order with notice of its entry on the Non-Party within ten (10) days of the date of this Order.

This constitutes the decision and order of the Court.

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JOEL M. COHEN, J.S.C.

10/14/2025
DATE

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE