

Edward Tyler Nahem Fine Art, L.L.C. v Lee

2025 NY Slip Op 34156(U)

October 28, 2025

Supreme Court, New York County

Docket Number: Index No. 653982/2023

Judge: Lyle E. Frank

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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. LYLE E. FRANK PART 11M

Justice

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EDWARD TYLER NAHEM FINE ART, L.L.C., EDWARD
TYLER NAHEM,

Plaintiff,

- v -

LEA LEE, ELISABETH ROYER GRIMBLAT,

Defendant.

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INDEX NO. 653982/2023

MOTION DATE 10/09/2025

MOTION SEQ. NO. 016

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 016) 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 697

were read on this motion to/for SANCTIONS.

Upon the foregoing documents, the motion is granted, and the cross-motion is denied.

Background

This motion and cross-motion arise out of a complex, contentious, and cross-border series of litigations in New York and France, centered around an Alexander Calder artwork titled *Mobile de Bretagne*. The thrust of the dispute is Defendant Lea Lee’s contention that Plaintiffs and other parties engaged in a conspiracy to steal said artwork from Defendant Lee’s mother. In a related action, brought by Defendant Lee, was dismissed by this Court for lack of personal jurisdiction. This decision was affirmed by the First Department, who also held that *Mobile* had been properly consigned and sold. *Lee v. Royer Grimblat*, 228 A.D.3d 576, 577 [1st Dept. 2024]. Defendant Lee’s motion to renew was denied, a decision that was also affirmed by the First Department. *Lee v. Grimblat*, 236 A.D.3d 493, 493 [1st Dept. 2025].

This underlying proceeding was brought by Plaintiffs, the gallery that purchased *Mobile*, against Defendant Lee and Elizabeth Royer Grimblat, who was consigned *Mobile* from

Defendant Lee's mother and sold the artwork to the Plaintiffs. Plaintiffs were seeking a declaratory judgment related to the artwork's title, injunctive relief against Defendant Lee, and damages from Defendant Grimblat. Defendant Lee brought two motions to dismiss, both of which were denied.

In an order from this Court dated September 2, 2025 (the "Sanctions Order"), Defendant Lee was ordered to reimburse Plaintiffs for filing fees and attorneys' fees incurred up to \$1,000. She was given three business days to submit opposition to the reasonableness of the attorneys' fees incurred. According to the Sanctions Order, a failure to make timely payment would result in "further sanctions, including a full award of attorneys' fees." The Sanctions Order further required that Defendant Lee seek Court approval before filing additional motions in this matter.

To date, Defendant Lee has reimbursed the filing fees but has failed to pay the \$1,000 in attorneys' fees. As a result, Plaintiffs bring the present motion seeking a full award of attorneys' fees in the amount of \$10,178.85. Defendant Lee opposes, and cross-moves for an order of replevin transferring the disputed artwork into her possession. She also cross-moves for \$2.5 million for pain and suffering.

Discussion

Defendant Lee's Excuse for Violating the Sanctions Order is Unavailing

Defendant Lee argues that the Sanctions Order somehow should be interpreted to mean that she, Defendant Lee, would be the sole arbitrator of whether \$1,000 in attorneys' fees was reasonable. She also argues that the Sanctions Order gave her the option of paying nothing but the filing fees if she so desired, as zero is "up to" \$1,000. This interpretation of the Sanctions Order is, frankly, nonsensical. She did not submit opposition to the reasonableness of the incurred fees as clearly directed but instead refused to pay, due to the apparent belief that

compliance with orders from this Court is discretionary. The bulk of her opposition to the motion goes on to reiterate arguments relating to her position that the *Mobile* was stolen from her mother. Plaintiffs have provided time entry spreadsheets supporting their claim for total attorneys' fees of \$10,178.85. As Defendant Lee refused to comply with the terms of the Sanctions Order, as directed in that order she is now liable for the full amount of attorneys' fees.

Defendant Lee's Unauthorized Cross-motion Is Denied

Defendant Lee's unauthorized cross-motion for replevin fails in large part because the relief sought should be brought as a standalone claim, rather than by motion. To the extent that the motion is yet another attempt to reargue the dismissal of her claim for replevin in the prior action, it is also denied. Accordingly, it is hereby

ADJUDGED that the motion is granted; and it is further

ORDERED that the plaintiffs Edward Tyler Nahem Fine Art L.L.C. and Edward Tyler Nahem are entitled to reasonable attorneys' fees from defendant Lea Lee in the amount of \$10,178.85; and it is further


ORDERED that defendant Lea Lee remit to plaintiffs the amount of \$10,178.85 within 7 days of the date of service of this order with notice of entry; and it is further

ORDERED that in the event that timely payment is not made, the Clerk of the Court, upon service upon him of a copy of this order with notice of entry and an affirmation or affidavit reciting the fact of such non-payment, shall enter a judgment in favor of the plaintiffs Edward Tyler Nahem Fine Art L.L.C. and Edward Tyler Nahem and against defendant Lea Lee, in the aforesaid sum; and it is further

ORDERED that proof of payment shall be provided to the Clerk of the Part and such service upon the Clerk of the Court 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); and it is further

ADJUDGED that the cross-motion is denied.


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10/28/2025
DATE

LYLE E. FRANK, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					REFERENCE
					OTHER
					DENIED