

Nunez-Unda v Adrien

2025 NY Slip Op 34251(U)

November 7, 2025

Supreme Court, New York County

Docket Number: Index No. 650971/2022

Judge: Andrew Borrok

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 53

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JESUS NUNEZ-UNDA,	INDEX NO.	<u>650971/2022</u>
Plaintiff,		N/A, N/A, N/A,
- v -	MOTION DATE	<u>N/A, N/A, N/A,</u>
THIBAUT LOUIS PHILIPPE ADRIEN, LAFAYETTE RE MANAGEMENT LLC,POL OPERATOR LLC,		016 018 020
Defendant.	MOTION SEQ. NO.	<u>022 023 024</u> <u>025 026</u>

**DECISION + ORDER ON
MOTION**

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HON. ANDREW BORROK:

The following e-filed documents, listed by NYSCEF document number (Motion 016) 462, 463, 464, 465, 466, 467, 636

were read on this motion to/for AMEND CAPTION/PLEADINGS.

The following e-filed documents, listed by NYSCEF document number (Motion 018) 506, 507, 508, 509, 511, 514, 515, 516, 517, 518, 563, 584, 585, 597, 598, 611, 612, 624, 753, 754, 800

were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 020) 602, 603, 604, 605, 606, 607, 608, 609, 610, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635

were read on this motion to/for AMEND CAPTION/PLEADINGS.

The following e-filed documents, listed by NYSCEF document number (Motion 022) 655, 656, 657, 658, 659, 743, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798

were read on this motion to/for ORDER OF PROTECTION.

The following e-filed documents, listed by NYSCEF document number (Motion 023) 660, 661, 662, 663, 664, 665, 748, 763, 764, 765, 766, 767, 768, 769, 770

were read on this motion to/for DISCOVERY.

The following e-filed documents, listed by NYSCEF document number (Motion 024) 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 746

were read on this motion to/for ALTERNATE SERVICE.

The following e-filed documents, listed by NYSCEF document number (Motion 025) 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703,

650971/2022 NUNEZ-UNDA, JESUS vs. ADRIEN, THIBAUT LOUIS PHILIPPE ET AL Page 1 of 5
Motion No. 016 018 020 022 023 024 025 026

704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 740, 744, 749, 751, 775, 776, 777, 778, 779, 780, 781, 782, 783

were read on this motion to/for

DISCOVERY

The following e-filed documents, listed by NYSCEF document number (Motion 026) 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 745, 747, 755, 756, 757, 758, 759, 760, 761, 762, 771, 772, 773, 774

were read on this motion to/for

MISCELLANEOUS

Upon the foregoing documents and for the reasons set forth on the record (*tr.* 11.07.25):

1. Motion Sequence No. 16: The motion to file an amended counterclaim is GRANTED (*see Thompson v Cooper*, 24 AD3d 203, 205 [1st Dept 2005]; *Linares v City of New York*, 2024 NY Slip Op 06156 [1st Dept Dec. 10, 2024]). The Plaintiff shall file an answer to the counterclaim within 45 days of today's date.
2. Motion Sequence No. 24: The motion seeking permission to serve non-party Edward "Teddy" Wasserman by alternative service means is GRANTED (*see Cho v HJB of Bayside Corp.*, 2025 NY Slip Op 03702 [2d Dept June 18, 2025]).
3. Motion Sequence No. 18: The motion seeking sealing is (i) GRANTED with respect to NYSCEF document numbers 489, 493, and 503, (ii) GRANTED solely with regards to contact information in NYSCEF document numbers 474, 476, 478, 480, 484, 485, 487, and 499 and (iii) DENIED for NYSCEF document number 482 (*see* 22 N.Y.C.R.R. § 216.1[a]).

4. Motion Sequence No. 26: The motion for Letters of Request for International Judicial Assistance is GRANTED (*see* HCCH 1970 Evidence Convention) to the extent set forth on the record and the plaintiff is directed to email Part 53 (sfc-part53@nycourts.gov) such approved letters of request for execution by the Court.

5. Motion Sequence No. 20: The motion is granted solely to the extent that the Plaintiff may file a concise and clear version of his Second Amended Complaint by November 27, 2025 (CPLR 3014) which does not include his claim sounding in promissory estoppel which is utterly devoid of merit (*Thompson v Cooper*, 24 AD3d 203, 205 [1st Dept 2005]; *Linares v City of New York*, 2024 NY Slip Op 06156 [1st Dept Dec. 10, 2024]). The Defendants may move to dismiss the Second Amended Complaint no later than 45 days after its filing. If the Defendants move to dismiss the Second Amended Complaint, the Plaintiff shall have 45 days to opposition papers and the Defendant shall have 30 days to file reply papers.

6. Motion Sequence Nos. 23 and 25: The branch of the motions addressing the laptop protocol are withdrawn without prejudice because the parties have indicated that they have reached a conceptual agreement as to this issue. The branch of the motion seeking Mr. Adrien's continued deposition is denied as moot as he has agreed to appear for such four hour deposition. As to the branch of the motion seeking to compel certain documents from the defendants, the Plaintiff is directed to file a letter with all of the allegedly missing documents as an exhibit to such letter no later than November 21, 2025. As to the Plaintiffs motion seeking documents as to the statements made by or at the behest of

the Defendants to third parties, these documents must be delivered no later than November 28, 2025 together with a privilege log of any withheld documents.

7. Lastly, Mr. Nunez-Unda is not entitled to reimbursement for costs related to his New York in person continued deposition.


Accordingly, it is hereby

ORDERED that the Clerk of the Court is directed, upon service on him of a copy of this order with notice of entry, to permanently seal NYSCEF document numbers 474, 476, 478, 480, 484, 485, 487, 499, 489, 493, and 503, and to separate these documents and to keep them separate from the balance of the file in this action; and it is further

ORDERED that 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);

ORDERED that thereafter, or until further order of the court, the Clerk of the Court shall deny access to the said sealed documents to anyone (other than the staff of the Clerk or the court) except for counsel of record for any party to this case and any party; and it is further

ORDERED that the Plaintiff is directed to upload replacement redacted documents as to documents 475, 477, 479, 481, 484, 486, 488, and 500 only redacting the contact information within twenty days of this decision and order.


20251107170642AB0RR0KC1DA19DF46B43D682B2F047CEF51C62

11/7/2025

DATE

ANDREW BORROK, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE