

Rios v Addams

2025 NY Slip Op 34954(U)

December 16, 2025

Supreme Court, New York County

Docket Number: Index No. 153589/2022

Judge: Arlene P. Bluth

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

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

PRESENT: HON. ARLENE P. BLUTH PART 14

Justice

-----X

MAGDA ROSA RIOS,

Plaintiff,

- v -

ROBERT DAVID ADDAMS, ADDAMS PROPERTIES LLC

Defendants.

-----X

INDEX NO. 153589/2022

MOTION DATE N/A

MOTION SEQ. NO. 004

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 004) 111, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 125, 126, 127

were read on this motion to/for DISCOVERY.

Plaintiff’s motion to compel a certain deposition is decided as described below.

Background

The instant property dispute arises out of a previous romantic relationship between plaintiff and defendant Addams. They met in 1988 and had two children (one in 1989 and one in 1992). The two never married but decided, in 1993, to purchase an apartment. This is where the parties’ stories divert. Plaintiff argues that during the loan application process, the parties agreed to leave plaintiff off the loan and the deed because of defendant Addams’ better credit rating. Plaintiff demands an equity interest in the unit while defendants insist that defendant Addams Properties LLC (“LLC”) is the rightful and sole owner.

In this motion, plaintiff seeks to compel the deposition of Lisa Zanetta Addams-Pilgrim, defendant Addams’ wife and one of two members of the LLC (along with defendant Addams). She contends that her attorney engaged in a lengthy back and forth about this proposed deposition after she noticed it for October 9, 2025. Plaintiff contends that defendants’ attorney

refused to commit to have Ms. Addams-Pilgrim appear on the ground that defendant Addams had already been deposed. Plaintiff insists that she went forward with the deposition on October 9, 2025 and that no one showed up on behalf of defendants. She moves to compel this deposition and to award all costs and fees incurred as a result of the failed October 9 deposition attempt.

In opposition, defendants acknowledge that plaintiff is entitled to take the deposition of the LLC but that it is not necessary given the exhaustive deposition plaintiff took of defendant Addams. They claim that plaintiff is not entitled to designate witnesses for the LLC and that no special circumstances warrant the deposition of Ms. Addams-Pilgrim on behalf of the LLC.

In reply, plaintiff emphasizes that she is entitled to a deposition of the LLC regardless of the fact that defendant Addams was already deposed as the LLC is a separate party. She insists that this witness has material information relevant to this dispute and that plaintiff is entitled to designate a witness to testify.

Discussion

Plaintiff is correct that she is entitled to take the deposition of the LLC regardless of the fact that she already deposed defendant Addams as they are separate parties in this litigation. To be sure, as defendants point out, there were many questions about the LLC at Mr. Addams' deposition (*see e.g.*, NYSCEF Doc. No. 123 at 23-28). However, plaintiff is still entitled to take this deposition.

The next question for this Court is who should appear for the LLC. "A corporate entity has the right to designate, in the first instance, the employee who shall be examined" (*Sladowski-Casolaro v World Championship Wrestling, Inc.*, 47 AD3d 803, 803, 850 NYS2d 176 [2d Dept 2008]). This means that defendants can pick, in the first instance, which witness they want to designate.

Plaintiff's reliance on CPLR 3106(d) does not change the Court's decision. That statute certainly provides that plaintiff could identify a witness she wants to depose, but it also permits defendants to pick someone else for the deposition (i.e., defendant Addams) to testify on behalf of the LLC in response to such a request (CPLR 3106[d]). Although defendants took the position that plaintiff had asked all relevant questions during the deposition of defendant Addams, defendants clearly would prefer defendant Addams to be deposed on behalf of the LLC. The Court therefore finds that defendant Addams shall appear for the deposition as the witness for the LLC.

The Court rejects plaintiff's insistence that she needs Ms. Addams-Pilgrim to testify for the LLC. This entire case is about the prior relationship between defendant Addams and plaintiff. And plaintiff did not cite a single instance in which defendant Addams testified that only his wife possessed certain knowledge about some issue pertaining to the LLC. In fact, defendant Addams testified that it was he alone who decided to have monthly common charges invoiced to the newly formed LLC and that his wife had nothing to do with that decision (NYSCEF Doc. No. 123 at 201). There is simply no basis upon which this Court finds that she must testify on behalf of the LLC based on this record.

The Court also denies plaintiff's request for fees arising out of the busted deposition. The email correspondence demonstrates that the parties were at an impasse with respect the deposition—both about whether the deposition was required and the availability of defendants' counsel—prior to the deposition date. That plaintiff decided to symbolically go forward with the deposition does not entitle her to recover fees.

Because the Court is granting the motion for the deposition of the LLC, the Court reminds defendants that the witness cannot refuse to answer simply because a similar question

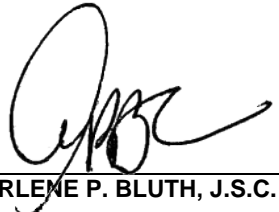
was asked of defendant Addams at his prior deposition. However, the questions must be limited to the LLC—no questions are permitted about defendant in his capacity as an individual defendant.

Accordingly, it is hereby

ORDERED that plaintiff’s motion is granted only to the extent that she is entitled to take the deposition of the LLC (defendant Addams shall testify on behalf of the LLC) and that deposition shall take place on or before January 13, 2026. The remaining portions of the motion are denied.

See NYSCEF Doc. No. 118 regarding the next conference.

12/16/2025
DATE


ARLENE P. BLUTH, J.S.C.

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