

<b>PF2 Sec. Evaluations, Inc. v Fillebeen</b>
2026 NY Slip Op 30476(U)
February 9, 2026
Supreme Court, New York County
Docket Number: Index No. 151776/2014
Judge: Arlene P. Bluth
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ARLENE P. BLUTH PART 14

Justice

-----X

PF2 SECURITIES EVALUATIONS, INC.,

Plaintiff,

- v -

GUILLAUME FILLEBEEN, LEVEL 3 CONSULTANTS, LLC,

Defendant.

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INDEX NO. 151776/2014

MOTION DATE 02/05/2026

MOTION SEQ. NO. 019

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 019) 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958

were read on this motion to/for ENFORCE/EXEC JUDGMENT OR ORDER .

Plaintiff's motion to compel is decided as described below.

Background

Plaintiff contends that defendant Fillebeen misappropriated plaintiff's computer algorithms related to financial structures and then used that intellectual property to create a competing business. Plaintiff contends it evaluates collateralized debt obligations ("CDOs") using mathematical models. It alleges that its clients, such as law firms, then hire plaintiff often in the context of litigation as expert witnesses. Plaintiff says that defendant Fillebeen worked for plaintiff from 2008 through 2013 and therefore had access to plaintiff's trade secret models and client information. It claims that Fillebeen and plaintiff entered into a buyout in November 2012 but that plaintiff soon discovered that Fillebeen was allegedly competing with plaintiff by using plaintiff's mathematical models as part of his own business.

Defendant Fillebeen contends that he was duped into selling his shares of the company at a fraction of their true value and continued working for the company as a consultant for a few months prior to ending his relationship with plaintiff. He insists that he was the only employee of plaintiff who had any training in programming computer models and that he was the person who created the subject programs at issue here.

In this motion, plaintiff seeks various records that it claims defendants have withheld for many, many years. These include: “(i) the model mentioned in Fillebeen’s letter of April 20, 2013; (ii) the source documents (containing data and calculations) for the table on Defendants’ website; (iii) the model and the source documents for an evaluation published on Defendants’ website; and (iv) the source documents for the “Cashflows” table of Defendants’ model” (NYSCEF Doc. No. 948 at 3 of 15).

Plaintiff insists that defendants have not produced these items because they would show defendants’ purported misuses of trade secrets. It argues that the Court should enter an order requiring defendants to produce this information or face a negative inference.

In opposition, defendants contend that plaintiff has brought up this issue many previous times and that prior orders from the judge previously assigned to this case and the special referee have suggested that questioning at a deposition is more appropriate. They also argue the records sought has already been produced, do not exist, consist of publicly available data or can be addressed through sworn statements. Defendants point out that this motion was filed on the eve of plaintiff’s deposition.

### **Discussion**

Given the background of this case, and particularly because this case has been pending for over a decade, the Court denies the motion. The Court agrees with defendants that the better

course is to proceed to depositions where plaintiff can inquire about this issue and, of course, make a post-EBT demand based on the witness' answer. Rather than sort through the endless docket in this matter (there are nearly 1,000 documents uploaded to NYSCEF for this case), the Court prefers that depositions be completed prior to more fighting about discovery. Plus, depositions may clarify or narrow the issues in dispute for trial.

The Court also observes that while defendants correctly want to proceed with depositions, there are some risks. If it turns out that post-EBT demands reveal that there were relevant and material documents not disclosed prior to the deposition that should have been disclosed, then this Court will consider a request for additional depositions. To be clear, this Court is not typically inclined to make parties sit for multiple depositions. But if plaintiff demonstrates at the deposition that there were critical documents that it was unable to question defendants' witness about, then a further deposition may be necessary.

### **Summary**

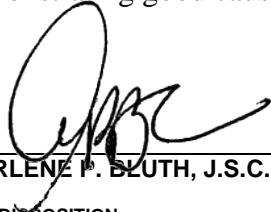
This case is not going to be resolved via discovery motion – if that were true, then the nineteen motions and the exhaustive hearing before the special master over the past dozen years would have done the trick. Plaintiff must proceed to depositions and, therefore, this Court will not entertain any more pre-deposition discovery motions.

However, if it is shown that documents should have been produced but were not, then this Court will not hesitate to order the document(s) to be produced and the witness back for another deposition.

Accordingly, it is hereby

ORDERED that plaintiff's motion is denied.

The note of issue deadline remains March 20, 2026 per NYSCEF Doc. No. 900. No adjournments will be considered absent a properly filed motion demonstrating good cause.

<u>2/9/2026</u> DATE	 ARLENE P. BLUTH, J.S.C.			
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART	
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> SUBMIT ORDER	
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE