

133 W52 St Holdings LLC v Beekman Reim LLC

2026 NY Slip Op 31358(U)

April 2, 2026

Supreme Court, New York County

Docket Number: Index No. 656279/2023

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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133 W52 ST HOLDINGS LLC, 133 W52 ST HOLDINGS
LLC, DERIVATIVELY ON BEHALF OF BR 52 MEMBER
LLC AND BR 52 LLC,

Plaintiffs,

- v -

BEEKMAN REIM LLC, ARIEL LAHMI, JEROME
BENAYOUN, BLACK DIAMOND ADVISORY GROUP,
LLC, EDOUARD ULLMO, BEEKMAN OFFICE 52 LLC,
INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF
BR52 MEMBER LLC AND ARIEL LAHMI,

Defendants.

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INDEX NO. 656279/2023
MOTION DATE 11/24/2025,
12/18/2025
MOTION SEQ. NO. 003 004

**DECISION + ORDER ON
MOTION**

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 003) 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 107, 108, 109, 110, 111, 112, 113

were read on this motion to COMPEL.

The following e-filed documents, listed by NYSCEF document number (Motion 004) 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149

were read on this motion to COMPEL.

Defendants Beekman Reim LLC, Ariel Lahmi, Jerome Benayoun, and Black Diamond Advisory Group, LLC and Counterclaim Plaintiffs Beekman Reim LLC and Beekman Office 52 LLC, individually and derivatively on behalf of BR 52 Member LLC and Ariel Lahmi, move to compel nonparty Grant Herrmann Schwartz & Klinger LLP (“GHSK”) to comply with a subpoena duces tecum and, relatedly, for an order determining that GHSK’s demand for payment of approximately \$25,000 as a condition of compliance is unreasonable. GHSK opposes the motion and cross-moves for sanctions against Defendants/Counterclaim Plaintiffs as well as a

protective order tailoring the period for all requests in the subpoena to January 1, 2017, through January 1, 2019.

Defendants/Counterclaim Plaintiffs separately move to compel David Saragun or, in the alternative, Edouard Ullmo to be deposed as a second representative of Plaintiff 133 W52 St. Holdings, LLC, to compel David Bensadoun to continue and complete his deposition, and to compel the production of a “ZIP” file identified by Mr. Bensadoun during his deposition.

For the reasons explained below, all the relief sought is denied.

I. Defendants/Counterclaim Plaintiffs motion to compel GHSK to comply with the subpoena and for an order determining that \$25,000 is unreasonable

“[I]f a person fails to comply with a subpoena which is not returnable in a court, the issuer or the person on whose behalf the subpoena was issued may move [...] to compel compliance” (CPLR 2308[b]). However, GHSK has not refused to comply with the subpoena at issue here. Rather, GHSK has conditioned compliance on payment by Defendants/Counterclaim Plaintiffs of \$25,000—the sum quoted by an ESI vendor instructed by GHSK to conduct the requisite searches—as expressly permitted by a prior order of this Court dated August 6, 2025 (*see* NYSCEF 81 [“the Beekman Parties must defray GHSK’s reasonable production expenses”]; *see also* CPLR 3122(d) [“[t]he reasonable production expenses of a non-party witness shall be defrayed by the party seeking discovery”]; *Barons Media, LLC v Shapiro Legal Group, PLLC*, 231 AD3d 639, 640 [1st Dept 2024] *citing* 22 NYCRR 202.70, Appendix A, at VIII.B [“[r]easonable production costs’ may include ‘reasonable fees charged by outside counsel and e-discovery consultants’ for gathering and reviewing documents”]). To the extent Defendants/Counterclaim Plaintiffs are not willing to pay the quoted sum, they may voluntarily reduce the timeframe of their requests up to January 1, 2019, which GHSK estimates will cut production expenses down to approximately \$7,500 (*see* NYSCEF 100). Alternatively,

Defendants/Counterclaim Plaintiffs may appoint their own vendor to conduct the search in accordance with the procedure suggested by GHSK (NYSCEF 111 at 22-23).

Accordingly, because GHSK is entitled to seek reasonable production expenses from Defendants/Counterclaim Plaintiffs (and there is no indication that the expenses sought are unreasonable), Defendants/Counterclaim Plaintiffs' motion to compel GHSK to comply with the subpoena and for an order determining that GHSK's demand for compensation is unreasonable is denied.

II. GHSK's motion for sanctions and a protective order

GHSK's motion for a protective order pursuant to CPLR 3103(a) is denied. While the Court previously observed in relation to an earlier iteration of the subpoena that "certain of the demands are plainly overbroad in timeframe and must be revised to be more narrowly tailored to the time period at issue" (NYSCEF 81), Defendants/Counterclaim Plaintiffs have complied with that directive by moderating the timeframe, in response to which GHSK offered to produce all documents sought provided Defendants/Counterclaim Plaintiffs defray the production expenses (*see* NYSCEF 100).

GHSK's motion for sanctions under 22 NYCRR 130-1.1 is denied although GHSK may renew its request if Defendants/Counterclaim Plaintiffs do not constructively engage with GHSK to reach a resolution to what has been an unnecessarily combative process.

III. Defendants/Counterclaim Plaintiffs' motion to compel Mr. Saragun or Mr. Ullmo to be deposed

Defendants/Counterclaim Plaintiffs have failed to establish that Mr. Bensadoun has insufficient knowledge to serve as a corporate representative of 133 St Holdings, LLC or that either Mr. Ullmo or Mr. Saragun are themselves corporate representatives of 133 W52 St Holdings LLC. Nor have Defendants/Counterclaim Plaintiffs established that Mr. Bensadoun

should be compelled to appear for further deposition in addition to the 12 hours already taken. To the extent Defendants/Counterclaim Plaintiffs wish to take either Mr. Ullmo or Mr. Saragun's deposition, they may seek to do so by notice (if the witness is employed by a party) or by subpoena (if he is not).

IV. Defendants/Counterclaim Plaintiffs motion to compel the production of the "ZIP" file

Lastly, Defendants/Counterclaim Plaintiffs' motion to compel production of a ZIP file identified by Mr. Bensadoun during his deposition is denied on the basis that 133 St Holdings, LLC has already produced the contents of the "ZIP" file, Mr. Bensadoun has adequately explained that he no longer has access to the file and, on clarification, Mr. Bensadoun testified that he shared the documents rather than the file itself with 133 St Holdings, LLC (*see* NYSCEF 118 at 146:5-11).

Accordingly, it is

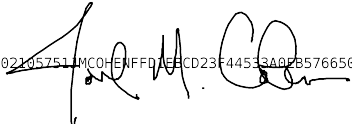
ORDERED that Defendants/Counterclaim Plaintiffs' motion to compel GHSK to comply with a subpoena duces tecum and for an order determining that GHSK's demand for payment of approximately \$25,000 as a condition of compliance is unreasonable is **DENIED**; it is further

ORDERED that GHSK's cross-motion for sanctions and a protective order confining the subpoena's requests to January 1, 2017, through January 1, 2019, is **DENIED**; and it is further

ORDERED that Defendants/Counterclaim Plaintiffs' motion to compel Mr. Saragun or Mr. Ullmo to be deposed as a second representative of 133 W52 St. Holdings, LLC, to compel Mr. Bensadoun to continue and complete his incomplete deposition, and to compel the production of a "ZIP" file identified by Mr. Bensadoun during his deposition is **DENIED**.

This constitutes the Decision and Order of the Court.

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JOEL M. COHEN, J.S.C.

4/2/2026
DATE

CHECK ONE:

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: