

Fisher v Natural Assets Fund, LLC

2026 NY Slip Op 31632(U)

April 15, 2026

Supreme Court, New York County

Docket Number: Index No. 650054/2025

Judge: Kathleen Waterman-Marshall

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This opinion is uncorrected and not selected for official publication.

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

PRESENT: HON. KATHLEEN WATERMAN-MARSHALL **PART** **31M**

Justice

-----X

WARREN FISHER

Plaintiff,

- v -

NATURAL ASSETS FUND, LLC,

Defendant.

-----X

INDEX NO. 650054/2025

MOTION DATE 03/05/2026

MOTION SEQ. NO. 003

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 003) 46, 47, 48, 49, 50, 51, 52

were read on this motion to/for CONTEMPT.

Upon the foregoing documents, and following on-the-record oral argument on April 14, 2026, the motion by plaintiff Warren Fisher (“Mr. Fisher”), for an order (1) pursuant to CPLR § 2308 and Judiciary Law § 751, finding defendant Natural Assets Fund, LLC (“Natural Assets”) in contempt of this Court’s February 27, 2026 Decision and Order (“the February 2026 Order”) directing it to comply with an October 16, 2025 Subpoena Ad Testificandum and Duces Tecum (“the Subpoena”), and holding Natural Assets in contempt of the Subpoena, and (2) awarding Mr. Fisher \$16,000 in attorney’s fees and a fine in the sum of \$250 per day, is granted in part.

Background

This is Mr. Fisher’s second motion for contempt occasioned by the failure of Natural Assets, by its principal and sole member Dennis Tanjeloff (“Mr. Tanjeloff”), to comply with the Subpoena, which was served in aid of enforcement of the judgments entered in his favor and against Natural Assets amounting to almost \$600,000 (not including interest) (*see* NYSCEF Doc. Nos. 20 and 26). In the February 2026 Order, this Court declined to hold Natural Assets or Mr. Tanjeloff in contempt given the agreement, at that time, between the parties that Natural Assets would produce documents by February 13, 2026 and appear for its deposition by March 10, 2026.

However, Natural Assets, by Mr. Tanjeloff, did not produce the documents called for by the Subpoena or appear for its deposition, as agreed and as directed in the February 2026 Order. In response, on February 20, 2026, Mr. Fisher served a Deficiency Letter (NYSCEF Doc. No. 49) outlining the substantial documents outstanding. Natural Assets, by Mr. Tanjeloff, did not respond to the Deficiency Letter. Mr. Fisher thus made the instant motion for contempt, this time not only for the failure of Natural Assets to comply with the Subpoena, but now for its failure to comply with the February 2026 Order. Natural Assets has not opposed this motion. Nor has it even appeared in this action by an attorney, as required by CPLR 321(a) (*see Elford v Adams*, 85

MISC3d 1042, 105 [Sup. Ct. New York County 2024] [“as a distinct legal entity, an LLC must appear by counsel”]), and as directed by the Court in the February 2026 Order.

Discussion

Contempt

Contempt under Judiciary Law § 753 “is a drastic remedy which should not be granted absent a clear right to the relief” (*Pinto v Pinto*, 120 AD2d 337, 338 [1st Dept 1986]). Civil contempt is available where “a party to the action” is guilty of “disobedience to a lawful mandate of the court” (see Judiciary Law § 753 [A][3]). The aim of civil contempt is “the vindication of a private right of a party to litigation and any penalty imposed upon the contemnor is designed to compensate the injured private party for the loss of or interference with that right” (*McCormick v Axelrod*, 59 NY2d 574, 582-583 [1983]).

In order for the court to find civil contempt: (1) a lawful order of the court, which “clearly express[es] an unequivocal mandate,” must be in effect; (2) the party sought to be held in contempt “must have had knowledge of the court’s order”; (3) the alleged contemnor must have disobeyed the order; and (4) violation of the order must have resulted in prejudice to the right of a party to the litigation (*McCormick*, 59 NY2d at 583 [civil contempt found where nursing home transferred residents in violation of court order that expressed “clear mandate” staying all steps to involuntarily discharge residents pending appeal]; *El-Dehdan v El-Dehdan*, 114 AD3d 4, 16-17 [2d Dept 2013]). “A motion to punish a party for civil contempt is addressed to the sound discretion of the court, and the movant bears the burden of proving the contempt by clear and convincing evidence” (*id.* at 10).

Pursuant to CPLR § 2308, a party’s “[f]ailure to comply with a subpoena issued by a[n] . . . officer of the court shall be punishable as a contempt of court” (*Matter of Ling v Sans Souci Owners Corp.*, 187 AD3d 755, 756 [2020]). “[A]n attorney representing a party in a pending action is an officer of the court.” (*id.*)

Here, a finding of civil contempt against Natural Assets is appropriate as Mr. Fisher clearly and convincingly established the elements of civil contempt. The February 2026 Order is a lawful court order that clearly expresses an unequivocal mandate that Natural Assets, by Mr. Tanjeloff, produce documents by February 13, 2026 and appear for deposition on March 10, 2026. Natural Assets disobeyed the February 2026 Order (see *El-Dehdan*, 114 AD3d 4; see also, *Rhodes v Rhodes*, 169 AD3d at 844 [contempt found where lawful court order in place, undisputed that defendant had knowledge of order and did not comply with order]), which has resulted in prejudice to Mr. Fisher, who is seeking discovery in aid of enforcement of his judgments (see *Doors v Greenberg*, 151 AD2d at 550 [“In order to sustain a finding of civil contempt, it is not necessary that the disobedience be deliberate or willful; rather, the mere act of disobedience, regardless of its motive, is sufficient if such disobedience defeats, impairs, impedes or prejudices the rights of a party.”])).

Contempt also separately lies for the failure of Natural Assets, by Mr. Tanjeloff, to comply with the Subpoena. As noted above, disobedience of the Subpoenas is itself punishable by contempt (see *CadleRock Joint Venture, L.P.*, 199 AD3d 557; *Citibank N.A.*, 61 AD3d 484). In addition, the Subpoena is clear and unequivocal on its face as to the documents and

information to be produced and the restraints to be imposed. The Subpoenas have not been quashed, or modified in any way; indeed, Natural Assets did not move to quash or for a protective order and instead agreed to produce documents and appear for its deposition. It is clear on this record that Natural Assets and Mr. Tanjeloff had knowledge of the Subpoena. Further, Mr. Fisher has been prejudiced by the delay in complying with the Subpoena and appearing for deposition insofar as it has hindered his ability to collect on his judgment while Natural Assets allegedly shelter assets from collection.

Consequently, Natural Assets is in contempt of the February 2026 Order as well as the Subpoena. The remaining question is the appropriate remedy to be imposed for the contempt. Mr. Fisher wants compliance with the Subpoena as much as he wants the \$250 fine and costs that he is entitled to under Judiciary Law § 773 (*Abrams v Abrams*, 227 AD3d 403 [1st Dept 2024] [“Pursuant to Judiciary Law § 773, a court may award reasonable costs and expenses, including attorney fees, to an aggrieved party as a result of contemptuous conduct”]; *see also Matter of Gonnard v Guido*, 141 AD3d 649, 650 [2d Dept 2016] [intent of Judiciary Law § 773 to indemnify aggrieved party for costs and expenses incurred as result of contempt; attorney’s fees that are documented and directly related to contemptuous conduct generally recoverable unless proven excessive or reduced by court in reasoned decision]).

In this regard, Natural Assets, by Mr. Tanjeloff, is directed to comply with the February 2026 Order and Subpoena by producing, in full, the documents called for in the Deficiency Letter (NYSCEF Doc. No. 49) by April 28, 2026. Failure to do so with result in imprisonment in accordance with Judiciary Law § 753.

In addition, Mr. Fisher is entitled to recover its reasonable attorney’s fees incurred in enforcing the February 2026 and Subpoena and making this motion (Judiciary Law § 773). He established attorney’s fees in the sum of \$16,000; however, he did not establish entitlement to the imposition of a fine in the sum of \$250 per day.

Accordingly, it is hereby

ORDERED that Mr. Fisher’s motion, pursuant to Judiciary Law § 753, for an order holding Natural Assets, by Mr. Tanjeloff, in civil contempt of the February 2026 Order and Subpoena is granted; and it is further

ORDERED that Mr. Fisher established that the February 2026 Order and Subpoena are lawful orders of the court expressing unequivocal mandates which have been and remain in full force and effect, that Natural Assets, by Mr. Tanjeloff, had knowledge of each of the foregoing Orders and disobeyed each of the foregoing Orders, and that the failure to comply with each of the Orders has prejudiced Mr. Fishers’ rights; and it is further

ORDERED that Natural Assets failed to present any competent evidence establishing a defense that it could comply with the February 2026 Order and Subpoena for any reason, and failed to submit any proof of some obstacle to compliance with the foregoing Orders, or tending to raise a question of fact on such defenses; and it is further

ORDERED that Natural Assets, by Mr. Tanjeloff, is directed to purge its contempt of the February 2026 Order and Subpoena, by providing complete responses to the Deficiency Letter (NYSCEF Doc. No. 49) by April 28, 2026. In the event Natural Assets, by Mr. Tanjeloff, fails to comply with this directive, he will subject to imprisonment, pursuant to Judiciary Law § 753, until such time as the contempt is purged; and it is further

ORDERED that Natural Assets, by Mr. Tanjeloff, and an attorney shall appear before this Court on April 28, 2026 at 2:30 p.m. to demonstrate that it purged its contempt; and it is further

ORDERED that Mr. Fisher is awarded, pursuant to Judiciary Law § 773, attorney’s fees in the sum of \$16,000 incurred by reason of Natural Assets’ contempt; and it is further

ORDERED that Mr. Fisher shall serve a copy of this Decision and Order, with notice of entry, upon Natural Assets by overnight mail to its business address and by email, and upon Dennis Tanjeloff by overnight mail to his business address and residence address and by email.

4/15/2026

DATE

KATHLEEN WATERMAN-MARSHALL, 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