

501 Fifth Ave. Co. LLC v Cha Cha Holdings LLC

2026 NY Slip Op 31810(U)

April 28, 2026

Supreme Court, New York County

Docket Number: Index No. 150918/2026

Judge: Emily Morales-Minerva

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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: PART 42M

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501 FIFTH AVENUE COMPANY LLC,

INDEX NO. 150918/2026

Plaintiff,

MOTION DATE 04/28/2026

- v -

CHA CHA HOLDINGS LLC, and CONRAD SANDELMAN

MOTION SEQ. NO. 001

Defendants.

**DECISION + ORDER ON
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 16, 17, 19
were read on this motion to/for PENDENTE LITE.

APPEARANCES:

Rosenberg & Estis, P.C., New York, NY (Damaris Ruth Santamaria, Esq.) for plaintiff.

HON. EMILY MORALES-MINERVA:

In this action sounding in, among other things, breach of a lease agreement, plaintiff 501 FIFTH AVENUE COMPANY LLC moves, by order to show cause (motion sequence number 01), for an order directing (1) defendant CHA CHA HOLDINGS LLC d/b/a CHA CHA MATCHA¹ to pay plaintiff use and occupancy, pendente lite, at the lease rate of \$20,796.41 per month on the first day of each month; and directing (2) defendant to post a bond in the amount of \$32,968.02 to secure recovery of the rental arrears (see New York State Court Electronic Filing System [NYSCEF] Doc. No. 02,

¹ Plaintiff does not move against defendant CONRAD SANDELMAN.

order to show cause, dated January 21, 2026). Defendants did not appear or oppose the motion.

Pending the hearing on the order to show cause, this Court granted plaintiff a temporary restraining order, directing defendant CHA CHA HOLDINGS LLC d/b/a CHA CHA MATCHA to pay plaintiff use and occupancy in the amount of \$20,796.41 per month pursuant to Article 48 of the lease (see NYSCEF Doc. No. 16, signed order to show cause with interim relief granted, dated January 22, 2026; see also NYSCEF Doc. No. 04, lease, article 48). The order to show cause (mot. seq. no. 01) was returnable in Part 42M, 111 Centre Street, New York, New York, today, April 28, 2026, at 2:30 P.M.

At the call of the calendar, only plaintiff appeared, by counsel, with filed proof of service (see NYSCEF Doc. No. 17, affidavit of service on defendant CHA CHA HOLDINGS LLC d/b/a CHA CHA MATCHA, dated January 27, 2026, and Doc. No. 20, affidavit of service on defendant CONRAD SADELMAN, dated January 27, 2026). Defendants failed to appear and to contact the Court with reasonable excuse or request for adjournment. On record, plaintiff requested that defendant CHA CHA HOLDINGS LLC d/b/a CHA CHA MATCHA be directed to post bond in the amount of \$45,000.00, reflective of the rental arrears that accumulated in March and April of 2026.

In consideration thereof, the order to show cause (mot. seq. no. 01) is granted without opposition. Further, defendant CHA CHA HOLDINGS LLC d/b/a CHA CHA MATCHA shall be directed to pay use and occupancy at the rate of \$20,796.41 per month, on the first day of each month, and defendant shall post a bond in the amount of \$45,000.00 as security for its potential liability for past use and occupancy (see Oxford Towers Co., LLC v Wagner, 58 AD3d 422 [1st Dept 2009]).

Accordingly, it is hereby

ORDERED that the motion (seq. no. 01), by order to show cause, of plaintiff 501 FIFTH AVENUE COMPANY LLC is GRANTED, without opposition; it is further

ORDERED that defendant CHA CHA HOLDINGS LLC d/b/a CHA CHA MATCHA is directed to pay use and occupancy, pendente lite, in the amount of \$20,796.41 per month, and shall make such payments to plaintiff on the first of each month; it is further

ORDERED that defendant CHA CHA HOLDINGS LLC d/b/a CHA CHA MATCHA is directed to post a bond in the amount of \$45,000.00, no later than May 28, 2026; it is further

ORDERED that, within ten days from the date of this decision and order, plaintiff shall serve a copy of this order, with notice of entry, on defendants by overnight federal express courier service; and it is further

ORDERED that the Clerk of Court shall mark the file accordingly.

4/28/2026
DATE

Emily Morales-Minerva
EMILY MORALES-MINERVA, 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