

Hamway v Sutton

2026 NY Slip Op 32022(U)

May 11, 2026

Supreme Court, New York County

Docket Number: Index No. 164541/2025

Judge: Andrew Borrok

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. ANDREW BORROK PART 53

Justice

-----X

FRIEDA HAMWAY, RACHELLE JEMAL, JUDITH PASIE,
GAIL MASLATON, JOAN SITT

Plaintiff,

- v -

ALISA SUTTON,

Defendant.

-----X

INDEX NO. 164541/2025

MOTION DATE _____

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 12, 14, 15, 16, 17, 18, 19, 20

were read on this motion to/for CONTEMPT.

Upon the foregoing documents, the Plaintiffs' motion (Mtn. Seq. No. 001) for contempt is

GRANTED as to the relief sought against Alisa Sutton.

Reference is made to (i) a Judgment (the **Judgment**; NYSCEF Doc. No. 3), dated May 1, 2018, pursuant to which the Plaintiffs recovered against Ms. Sutton's husband, Isaac Sutton, in the amount of \$4,902,825.55, (ii) a Post Judgment Subpoena Duces Tecum and Ad Testificandum (the **Alisa Subpoena**; NYSCEF Doc. No. 2), dated January 9, 2024, and served upon Ms. Sutton on January 11, 2024 (*i.e.*, over 2 ½ years ago), (iii) a prior Order of this Court (NYSCEF Doc. No. 461 [Index No. 653336/2015]), dated March 13, 2025, pursuant to which the Court permitted the Plaintiffs to bring any motions for contempt based on the Judgment Debtors' failures to comply with certain post-judgment judicial subpoenas, and (iv) an Interim Order from this Court (the **Interim Order**; NYSCEF Doc. No. 11), dated September 15, 2025, pursuant to

which the Court ordered Ms. Sutton to respond to the Alisa Subpoena in full or that she may be held in civil contempt:

Upon the foregoing documents and for the reasons discussed (*tr.* 9.15.25), the branch of the motion seeking to hold the Judgment Debtor's wife, Alisa Sutton, in contempt is withdrawn without prejudice. As discussed, the Judgment Creditor is given leave to file a separate special proceeding as against her based on her failure to respond to the judicial subpoena that she received (*Trump Taj Mahal Assoc. v Hara*, 23 Misc 3d 1113(A) [Sup Ct 2009]). ***Undeniably the documents requested in the subpoena must be produced and she must attend a deposition (CPLR § 3101 [a]; Matter of Kapon v Koch, 23 NY3d 32, 38 [2014]) and her arguments, including that the Judgment Creditor is seeking to evade taxes, are simply unavailing.*** The Cross River Bank bank statement (NYSCEF Doc. No. 467) in her name includes substantial infusions of cash – *i.e.* some approximately \$500,000 of deposits (\$66,268.00 from Halman-Aldubi Institution in June 2021, \$350,000.00 from MHA Israel LLC in October 2021, and \$55,871.00 from Halman-Aldubi Institution in November 2021). Previously, the Judgment Creditor (Ms. Sutton's husband), stated that he was unaware of any source of funds that his wife would be receiving from any source whatsoever (NYSCEF Doc. No. 449). ***Ms. Sutton MUST respond to the subpoena that she received in full or she may be held in civil contempt in the special proceeding.***

(*id.* at 1-2 [emphasis added]).

Ms. Sutton's responses to the Alisa Subpoena are critical because her husband, Judgment Debtor Mr. Sutton, testified that he did not know why his wife received approximately \$460,000 from Halman Aldubi and MHA Israel LLC (NYSCEF Doc. No. 5 at 22:19-27:4). As such, the Plaintiffs are entitled to obtain that information directly from Ms. Sutton, including the correspondence and records that would explain these deposits.

After the Plaintiffs filed their contempt motion and nearly two years after being served with the Alisa Subpoena, Ms. Sutton finally responded on December 13, 2025 (*compare* NYSCEF Doc. No. 18, *with* NYSCEF Doc. No. 12). However, Ms. Sutton's response is woefully inadequate and unresponsive to much of the Alisa Subpoena.

By way of example, in Requests 1 through 3 the Plaintiffs sought documents concerning Ms. Sutton's relationships with Halman Aldubi and MHA Israel LLC (including emails, consulting agreements, and bank statements of substantial deposits into her account) and her household documents (including utility bills, mortgage or rent payments, insurance, childcare expenses, maintenance expenses, grocery receipts, and related bank and financial records). Ms. Sutton's simply did not respond to much of the information requested:

RESPONSE TO THE SUBPOENA REQUESTS ("REQUESTS")

1. All documents concerning and/or relating to Your relationship with Halman-Aldubi, including, but not limited to, any and all emails with Halman Aldubi, consultant agreements, and evidence of all moneys You have received from Halman Aldubi and well as documents that relate to moneys received on June 28, 2021, and November 8, 2021, including, but not limited to, bank statements.

RESPONSE

Notwithstanding and without waiver of the General Objections, Sutton will produce the requested consulting agreements. Other than those joint bank statements already produced by Isaac Sutton, there are no other Bank accounts in existence besides for the bank account referred to below.

2. All documents concerning and/or relating to Your relationship with MHA ISRAEL LLC, including, but not limited to, any and all emails with MHA ISRAEL LLC, consultant agreements, and evidence of all moneys You have received from Halman Aldubi and well as documents that relate to moneys received on October 18, 2021, including, but not limited to, bank statements.

RESPONSE

Notwithstanding and without waiver of the General Objections, Sutton will produce the requested consulting agreements. Other than those joint bank statements already produced by Isaac Sutton, there are no other Bank accounts in existence besides for the bank account referred to below.

3. All documents concerning household expenses, including but not limited to, utility bills, mortgage payments, rent payments, bank statements, loan agreements, property tax records, childcare expenses, grocery, expenses and receipts, car maintenance, property

maintenance, mechanic invoices, house insurance, renovation costs, from May 2, 2018, through the present.

RESPONSE

Notwithstanding and without waiver of the General Objections, annexed hereto please find American Express Statements Chase Bank Statements, Citibank Statements, Discover Statements and Venmo Statements. Other than those joint bank statements already produced by Isaac Sutton and the annexed bank statements and credit card and Venmo statements, there are no other Bank accounts, credit cards, or other related documents in existence.

(NYSCEF Doc. No. 18 at 3-4). As to Requests 1 and 2, Ms. Sutton agreed only to produce consulting agreements and asserted that no bank accounts exist beyond those produced by her husband (*id.* at 3). As to Request 3, Ms. Sutton produced only certain credit-card and Venmo statements and did not produce any documents reflecting utility bills, mortgage payments, rent payments, property tax records, property maintenance, household insurance or the other information requested (*id.* at 3-4). Ms. Sutton's responses to Requests 4 through 18 are similarly unresponsive and inadequate. Notably, even as to the limited portions of the Alisa Subpoena to which she purported to respond, she states that she "will" produce documents rather than that she produced them, despite the passage of nearly two years. According to the Plaintiff (*tr.* 5.11.26), some of them are still missing. Additionally, Ms. Sutton has still refused to appear for a deposition. Pursuant to CPLR § 5223, a judgment creditor "may compel disclosure of all matter relevant to the satisfaction of the judgment, by serving upon any person a subpoena, which shall specify all of the parties to the action, the date of the judgment, the court in which it was entered, the amount of the judgment and the amount then due thereon, and shall state that false swearing or failure to comply with the subpoena is punishable as a contempt of court" (CPLR § 5223).

To make a finding of civil contempt, the Court must determine that (i) a lawful order of the court clearly expressing an unequivocal mandate was in effect, (ii) it appears with reasonable certainty that the order has been disobeyed, (iii) the party to be held in contempt had knowledge of the court's order, and (iv) the right of a party to the litigation is prejudiced (*El-Dehdan v El-Dehdan*, 26 NY3d 19, 29 [2015]). Civil contempt must be demonstrated by clear and convincing evidence (*Classe v Silverberg*, 168 AD3d 603, 604 [1st Dept 2019]). It is not necessary that the disobedience be deliberate or willful, rather "the mere act of disobedience, regardless of its motive, is sufficient to sustain a finding of civil contempt if such disobedience defeats, impairs, impedes or prejudices the rights of a party" (*Yalkowsky v Yalkowsky*, 93 AD2d 834, 835 [2d Dept 1983]).

The record is clear that (i) the Interim Order was a lawful order of this Court that unequivocally required Ms. Sutton to respond to the Alisa Subpoena in full, (ii) Ms. Sutton disobeyed that order by delaying nearly two years before making any response, responding inadequately once she finally did respond, and refusing to appear for a deposition, (iii) Ms. Sutton had knowledge of both the Interim Order and the Alisa Subpoena, as the Interim Order was filed on NYSCEF and she was personally served with the Alisa Subpoena (*see* NYSCEF Doc. No. 7), and (iv) the Plaintiffs have been prejudiced by her noncompliance, including the prolonged inability to enforce the Judgment and the inability to meaningfully review her late and deficient production.

As such, Ms. Sutton is in civil contempt of Court. Ms. Sutton may purge her contempt by supplementing her subpoena response and scheduling a deposition no later than May 21, 2026. The deposition must occur no later than June 22, 2026. If she does not, the Court shall issue a

supplemental order ordering her coercive confinement. Additionally, the Plaintiffs are entitled to reasonable attorneys' fees and costs incurred in bringing this motion and proceeding as a result of Ms. Sutton's noncompliance.

To the extent that the Plaintiffs seek to hold Isaac Sutton in contempt, they must pursue such relief in the related action (Index No. 653336/2015), as Mr. Sutton is not a party to this action.

Accordingly, it is hereby ORDERED that the Plaintiffs' motion for contempt is GRANTED as to the relief sought against Ms. Sutton; and it is further

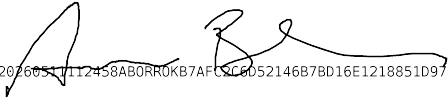
ORDERED that the issue of the amount of reasonable attorneys' fees and costs that the Plaintiffs may recover against Ms. Sutton is referred to a Special Referee to hear and determine; and it is further

ORDERED that counsel for the Plaintiffs shall, within 30 days from the date of this order, serve a copy of this order with notice of entry, together with a completed Information Sheet,¹ upon the Special Referee Clerk in the General Clerk's Office (Room 119), who is directed to place this matter on the calendar of the Special Referee's Part for the earliest convenient date; and it is further

ORDERED that such service upon the Special Referee Clerk shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures

¹ The Information Sheet can be found here: <https://www.nycourts.gov/LegacyPDFS/courts/1jd/supctmanh/SR-JHO/SRP-InfoSheet.pdf>.

for Electronically Filed Cases (accessible at the “E-Filing” page on the court’s website at the address <https://www.nycourts.gov/courts/new-york-county-supreme-court-civil-term>).


2026051112458ABORROK7AFCS605214687BD16E1218851D977

5/11/2026
DATE

ANDREW BORROK, 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