

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: CIVIL BRANCH

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RICHARD AMELIUS, SINJA CHO, ILONA
FARKAS, OLGA PAPKOVITCH, JESSE ZHU,

Plaintiffs,

-against-

GRAND IMPERIAL LLC, IMPERIAL V LLC,
IMPERIAL COURT MANAGEMENT,
MICHAEL EDELSTEIN

Defendants.

-----X

Index No. 155226/2016
Part 2
(Hon. Kathryn Freed, J.S.C.)

NOTICE OF ENTRY
Motion Sequence No. 015

PLEASE TAKE NOTICE that the attached is a true and correct copy of an order in this matter that was entered in the Office of the Clerk of the Supreme Court, New York County, on the 4th day of June, 2018.

Dated: New York, New York
June 5, 2018



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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. KATHRYN E. FREED PART IAS MOTION 2

Justice

INDEX NO. 155226/2016

RICHARD AMELIUS, SINJA CHO, ILONA FARKAS, OLGA PAKOVITCH, JESSE ZHU, CITY OF NEW YORK,

Plaintiff,

MOTION SEQ. NO. 015

- v -

GRAND IMPERIAL LLC, IMPERIAL V LLC, IMPERIAL COURT MANAGEMENT, MICHAEL EDELSTEIN, THE LAND AND BUILDING KNOWN AS 307 WEST 79TH STREET, BLOCK 1244, 1018, COUNTY, CITY AND STATE OF NEW YORK, IMPERIAL SUCCESS LLC, F & M IMPERIAL LLC, FLORENCE EDELSTEIN, JOHN DOE AND JANE DOE, NUMBERS 1 THROUGH 10, FICTITIOUSLY NAMED PARTIES, TRUE NAMES UNKNOWN, THE PARTIES INTENDED BEING THE MANAGERS OR OPERATORS OF THE BUSINESS BEING CARRIED ON BY DEFENDANTS GRAND IMPERIAL LLC, IMPERIAL V LLC, IMPERIAL COURT MAN...

DECISION AND ORDER

Defendant.

The following e-filed documents, listed by NYSCEF document number (Motion 015) 614, 615, 616, 617, 618, 621, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 649, 653

were read on this motion to/for REARGUMENT/RECONSIDERATION

In this nuisance abatement action, plaintiff City of New York moves for leave to reargue its prior motion to compel nonparty Yelp, Inc. to comply with a subpoena duces tecum. Yelp, Inc. opposes.

"A motion for reargument, addressed to the discretion of the court, is designed to afford a party an opportunity to establish that the court overlooked or misapprehended the relevant facts, or misapplied any controlling principle of law. Its purpose is not to serve as a vehicle to permit the unsuccessful party to argue once again the very questions previously decided." (Foley v Roche, 68 AD2d 558, 567 [1st Dept 1979] [citations omitted]; see C.R. v Pleasantville Cottage School, 302 AD2d 259, 260 [1st Dept 2003].) The City has failed to bring to this Court's attention any matter not fully briefed, argued, and rejected on the initial motion.

Accordingly, it is ORDERED that the City's motion for reargument is denied.

5/30/2018 DATE

KATHRYN E. FREED, J.S.C.

Form with checkboxes for CASE DISPOSED, GRANTED, DENIED, NON-FINAL DISPOSITION, GRANTED IN PART, SUBMIT ORDER, FIDUCIARY APPOINTMENT, SETTLE ORDER, INCLUDES TRANSFER/REASSIGN, OTHER, REFERENCE.