

Atlantic Specialty Ins. Co. v Calvano
2025 NY Slip Op 33768(U)
October 6, 2025
Supreme Court, New York County
Docket Number: Index No. 650912/2022
Judge: Andrew Borrok
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 53-----X
ATLANTIC SPECIALTY INSURANCE COMPANY,

INDEX NO.

650912/2022

Plaintiff,

07/01/2025,

MOTION DATE

06/30/2025

- v -

LYNN R CALVANO, KATHERINE L LETTERA, HEATHER
K CALVANO,

MOTION SEQ. NO.

011 012

Defendant.

**DECISION + ORDER ON
MOTION**-----X
LANDMARK UNLIMITED, INC., LANDMARK SIGNS &
ELECTRICAL MAINTENANCE CORP., LANDMARK
ENTERPRISES OF NY INC., LYNN CALVANO, KATHERINE
LETTERA, HEATHER CALVANOThird-Party
Index No. 595547/2022

Plaintiff,

-against-

CHERYL KREMENICK

Defendant.

-----X
LYNN CALVANO, KATHERINE LETTERA, HEATHER
CALVANOSecond Third-Party
Index No. 595627/2025

Plaintiff,

-against-

NATIONAL INSURANCE BROKERAGE OF NEW YORK, INC.,
JAMES NAPOLITANO, JAMES P. NAPOLITANO, CPA, P.C.

Defendant.

-----X
HON. ANDREW BORROK:The following e-filed documents, listed by NYSCEF document number (Motion 011) 426, 427, 428, 436,
437, 438, 439

were read on this motion to/for

DISCOVERY

The following e-filed documents, listed by NYSCEF document number (Motion 012) 407, 408, 409, 410, 411, 412, 413, 414, 429, 430

were read on this motion to/for

DISCOVERY

Upon the forgoing documents, the branch of Atlantic Specialty Insurance Company (**Atlantic Specialty**)’s motion (Mtn. Seq. No. 11) seeking to compel Joseph Calvano to produce responsive documents to Atlantic Specialty’s First Notice to produce and to respond to interrogatories is granted as unopposed and he shall produce responsive documents and respond to the interrogatories on or before November 7, 2025. If he fails to do so, Atlantic shall be entitled to move for appropriate relief including holding him in contempt of court. In connection with his production, he will adduce an affidavit describing his search and collection procedure (including identifying which devices he searched and what search terms he used).

As to the branch of Atlantic Specialty’s motion seeking to compel Lynn R. Calvano, Katherine L. Lettera, Heather K. Calvano, Landmark Unlimited, Inc., Landmark Signs & Electrical Maintenance Corp., and Landmark Enterprises of NY Inc. (collectively, the **Landmark Defendants**) to produce an index of documents on the Landmark hard drives, this too is granted. The Court refers to a Decision and Order of the Appellate Division (the **Appellate Division Decision**; NYSCEF Doc. No. 393), dated January 2, 2025, which modified this court’s order to the extent that it granted summary judgment as against Lynn R. Calvano, Kathine L. Letter and Heather K. Calvano indicating that there were issues of fact as to whether the accountant for Lynn R. Calvano, Katherine L. Lettera and Heather K. Calvano had either actual or implied authority to sign their names on a personal indemnity guarantee (*see Cologne Life Reins. Co. v Zurich Reins. (N. Am.), Inc.*, 286 AD2d 118, 124–128 [1st Dept 2001]). The Landmark Defendants provided Atlantic Specialty with six hard drives—many of which can not be

accessed as they are password protected and may be infested with malware. Specifically, one hard drive is corrupted and can not be accessed without professional assistance at all. As the Landmark Defendants do not know what information is inside the hard drive, they can not credibly argue that the inaccessible hard drives do not contain relevant information as to the issues identified by the Appellate Division. As such, the Landmark Defendants must produce the documents on these hard drives and provide a plan and timeline to Atlantic Specialty as to its production (including engaging an appropriate ESI vendor and providing appropriate passwords, etc.) on or before November 7, 2025.

Lynn Calvano, Katherine L. Lettera and Heather K. Calvano's motion (Mtn. Seq. No. 12) to compel is also granted as unopposed and Joseph Calvano shall produce documents in respect of their First Request for Discovery and Inspection on or before November 7, 2025 or they shall be entitled to move for appropriate relief including holding him in contempt of court. In connection with his production, he will adduce an affidavit describing his search and collection procedure (including identifying which devices he searched and what search terms he used).

Accordingly, it is hereby ORDERED that Atlantic Specialty's motion (Mtn. Seq. No. 11) to compel Joseph Calvano and the Landmark Defendants to comply with Atlantic Specialty's discovery demands is granted as set forth above; and it is further

ORDERED that Lynn Calvano, Katherine L. Lettera and Heather K. Calvano's motion (Mtn. Seq. No. 12) to compel Joseph Calvano to comply with Lynn Calvano, Katherine L. Lettera and Heather K. Calvano's discovery demands is granted as set forth above.



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10/6/2025

DATE

CHECK ONE:

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CASE DISPOSED

☒

GRANTED

☐

DENIED

APPLICATION:

☐

SETTLE ORDER

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☒

NON-FINAL DISPOSITION

☐

GRANTED IN PART

☐

OTHER

☐

SUBMIT ORDER

☐

FIDUCIARY APPOINTMENT

☐

REFERENCE

ANDREW BORROK, J.S.C.