

**Core 5th Ave. LLC v 711 Fifth Ave. Principal Owner
LLC**

2026 NY Slip Op 31637(U)

April 16, 2026

Supreme Court, New York County

Docket Number: Index No. 654976/2025

Judge: Andrea Masley

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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: COMMERCIAL DIVISION PART 48

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CORE 5TH AVENUE LLC,

Plaintiff,

- v -

711 FIFTH AVENUE PRINCIPAL OWNER LLC,

Defendant.

INDEX NO. 654976/2025

MOTION DATE _____

MOTION SEQ. NO. 005

**DECISION + ORDER ON
MOTION**

AMENDED

-----X

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 005) 134, 135, 136, 137, 138, 139, 140, 141, 150, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 189

were read on this motion to/for CONTEMPT.

In motion sequence 005, defendant 711 Fifth Avenue (Landlord) moves pursuant to Judiciary Law § 753(A) for civil contempt and Judiciary Law § 773 for sanctions against plaintiff, Core 5th Avenue LLC (Tenant) for violating the Court’s order to check IDs of members and their guests. (NYSCEF 129, Supplemental Order to motion 004 on January 25, 2026.)

Tenant admittedly failed to check government IDs for its members and guests from December 15, 2025 until February 5, 2026 when Tenant purged the contempt by initiating a program of checking government IDs.

Landlord requests attorneys’ fees and a financial penalty for Tenant’s contempt of \$250/day from December 15, 2025 to February 5, 2026 pursuant to Judiciary Law §773 which provides:

“If an actual loss or injury has been caused to a party to an action or special proceeding, by reason of the misconduct proved against the offender, and the case is not one where it is specially prescribed by law, that an action may be

maintained to recover damages for the loss or injury, a fine, sufficient to indemnify the aggrieved party, must be imposed upon the offender, and collected, and paid over to the aggrieved party, under the direction of the court. The payment and acceptance of such a fine constitute a bar to an action by the aggrieved party, to recover damages for the loss or injury.

Where it is not shown that such an actual loss or injury has been caused, a fine may be imposed, not exceeding the amount of the complainant's costs and expenses, and two hundred and fifty dollars in addition thereto, and must be collected and paid, in like manner. A corporation may be fined as prescribed in this section."

Landlord's motion is granted to the extent that Tenant shall reimburse Landlord for the costs of making this motion, including attorneys' fees, but not including the cost of surreptitiously filming the lobby desk for 9 weeks. (*Holskin*, 178 AD2d at 347.)

Landlord has failed to establish any compensable injury from Tenant's 9-week delay. "Unlike criminal contempt sanctions which are intended to punish, civil contempt fines are intended to compensate victims for their actual losses." (*Matter of Barclays Bank v Hughes*, 306 AD2d 406, 407 [2d Dept 2003].) Civil contempt fines are mandatory when proven. (*Nickolopoulos v Janoff*, 268 AD 829 [2d Dept 1944].) "Penalties for civil contempt should be assessed with an eye towards their remedial nature and effect." (*People v L.G.*, 83 Misc 3d 1030 [Sup Ct, NY County 2024].) For example, in *Holskin*, 178 AD2d at 347, the loss resulting from the contemptuous conduct was \$59,316.31 arising from the work of an accountant and an attorney in support of the contempt motion. (See also, *TGT, LLC v Aves. World Holdings, LLC*, 2024 NY Slip Op 32409[U] [Sup Ct, NY County 2024] [defendants were penalized \$349,500, the amount of funds dissipated from the bank account while defendant was hiding the account from plaintiff. Landlord has failed to establish such injury.]) Landlord's assertion that Tenant's failure to check government IDs of members

is a security risk for the building causing damage is undermined by Landlord monitoring and videotaping Tenant's check-in process for 9 weeks without objection. Based on the court's review of Landlord's video montage, review of another 100 hours of the video would not change this decision.

The issue is whether Landlord is entitled to a one-time penalty of \$250 or \$250 per day. Where no actual damage or loss is shown, the fine is \$250. (*Page v Cheung On Mansion, Inc.*, 138 AD2d 324, 325 [1st Dept 1988].) Accordingly, the court grants Landlord's request for a \$250 penalty, not daily.

Accordingly, it is

ORDERED that for reasons stated on the record on March 25, 2026, the motion for contempt is granted, but the contempt was purged; and it is further

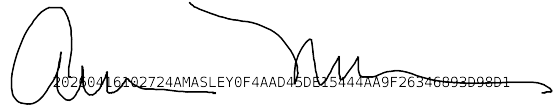
ORDERED that Landlord's request for financial penalty is granted to the extent that Tenant shall reimburse Landlord for the cost of making this motion and \$250; and it is further

ORDERED that by April 30, 2026, Landlord shall file an affirmation of services, detailing the costs, including attorneys' fees that Landlord has incurred as a consequence of Tenant's contempt of this court's orders; and it is further

ORDERED that Landlord's request to assume control of security in the lobby is denied on the condition that Tenant checks government IDs for its members and their guests. Tenant need not check member IDs if Tenant maintains such government IDs on file. Until Tenant's counsel resolves this issue, Tenant shall check the government IDs of its members. To reiterate, government IDs must be checked for members and

guests. If the parties agree to change this arrangement, they may do so in writing consistent with the lease; and it is further

ORDERED that Landlord’s motion to renew its Lobby motion (motion sequence 004) declaring that under the lease agreement, Tenant has no right to station any of its employees, representatives, or agents anywhere in the lobby of 711 Fifth Avenue, New York, New York including the front desk in the lobby is denied for reasons stated on the record.



4/16/2026
DATE

ANDREA MASLEY, J.S.C.

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED
<input checked="" type="checkbox"/>	GRANTED		

<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
<input type="checkbox"/>	GRANTED IN PART		

APPLICATION:

<input type="checkbox"/>	SETTLE ORDER
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<input type="checkbox"/>	SUBMIT ORDER
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CHECK IF APPROPRIATE:

<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN
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<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE
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