

Slice Wireless Servs., LLC v Yakubov
2026 NY Slip Op 50568(U)
April 22, 2026
Supreme Court, New York County
Robert R. Reed, J.
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Digest-Index Classification: Disclosure—Scope of Disclosure—Order to Supplement Response

Slice Wireless Services, LLC, Plaintiff,

v

Aleksandr Yakubov, MIGUES CANTOS, MADE BY WIFI, INC., Defendant.

Supreme Court, New York County

Decided on April 22, 2026

Index No. 656506/2017

ROBERT R. REED, J.

[*1]

On February 3, 2026, plaintiff made a Rule 14 application to address a discovery dispute arising out of its post deposition discovery demands. A Rule 14 conference was held on April 21, 2026. This order will address the disputes identified in the discovery correspondence received by the court to date.

CPLR 3101 (a) provides that "[t]here shall be full disclosure of all matter material and necessary in the prosecution or defense of an action." The words "material and necessary" are interpreted broadly to require disclosure of facts bearing on the controversy, which assist in preparation for trial by sharpening the issues and reducing delay (*Allen v Crowell—Collier Publ. Co.*, 21 NY2d 403, 406 [1968]). The party seeking disclosure must demonstrate that the method of discovery sought will result in the disclosure of relevant evidence or that the discovery sought is reasonably calculated to lead to the discovery of

information bearing on the claims" (*Abrams v Pecile*, [83 AD3d 527](#), 528 [1st Dept 2011], quoting *Vyas v Campbell*, [4 AD3d 417](#), 418 [2d Dept 2004]).

Here, plaintiff demands a full response to its October 8, 2024 post deposition discovery demands, production of corporate tax records, and production of defendant Made By Wifi's list of clients from 2017-2023. Plaintiff suggests that this information is necessary to succeed on its claims; namely, that defendant, Made by WiFi, is servicing plaintiff's current and/or former clients. Plaintiff submits that this information is material and necessary for plaintiff's trial preparation, because it goes directly to the core issues of liability and damages in this action.

In opposition, defendants state that they have fully complied with plaintiff's document requests and provided all relevant documentation that predates 2019, the date through which any arguable restrictive covenants would remain valid. Defendants argue that they have fully disclosed the identity of any clients contacted by defendants during their employment with Slice Wireless and provided all relevant correspondence and information regarding the communications. Defendant objects to the disclosure of records post 2019, and the disclosure of its entire client list, as that information is protected, proprietary information.

The court, having reviewed defendants' post deposition demand response (NYSCEF doc. no. 230) and, having reviewed the defendants' Jackson Affidavit sworn March 19, 2025 (NYSCEF doc. no. 231), finds that the defendants have fully complied with their discovery obligations and shall not be required to supplement their response to plaintiff's post deposition demands.

Through disclosure, a party is only required to produce those items that are within the "possession, custody or control" of the party served, which, under certain circumstances, can also mean "constructive possession" - the right, authority, or practical ability to obtain the documents or information sought (*Commonwealth of N. Mariana Islands v Canadian Imperial Bank of Com.*, [21 NY3d 55](#), 62–63 [2013]).

CPLR 3101[h] governs when amendment or supplementation of responses is required. It states in pertinent part that "[a] party shall amend or supplement a response previously given to a request for disclosure promptly upon the party's thereafter obtaining information that the response was incorrect or incomplete when made, or that the response, though correct and complete when made, no longer is correct and complete, and the circumstances are such that a failure to amend or supplement the response would be materially misleading." There is no evidence before this court that defendants provided incomplete or incorrect information such that an order directing supplementation would be required. This court is satisfied that defendants have responded to plaintiff's demands and provided information within their physical and constructive possession (*id.*).

With respect to plaintiff's demand for defendants' entire client list from 2017 to 2023, the court declines to order the production of such sensitive information at this juncture. Client lists may be considered trade secrets and can constitute protected, proprietary information, subject to the protection of the court (*Leo Silfen, Inc. v Cream*, 29 NY2d 387, 392 [1972]). Further, there is no evidence before the court that defendants testified that a "list of the Made by Wifi Inc's clients for 2017-2023" even exists, given the nature of their business and the manner in which the parties undertook their work.

Finally, to justify the mandatory disclosure of corporate tax returns a party must establish that the information contained within the tax return is "indispensable to the litigation and unavailable from other

sources" (*Nanbar Realty Corp. v Pater Realty Co.*, 242 AD2d 208, 209 [1st Dept 1997]). Here, the court is satisfied that defendants complied with their discovery obligations in providing tax records for the period of 2017-2018. This court declines to order the disclosure of additional corporate tax records as there has been no showing that the information sought could not be obtained from alternative sources, and no showing of any "indispensable need" for the information sought (*Gama Aviation Inc. v Sandton Capital Partners LP*, [113 AD3d 456](#), 457 [1st Dept 2014]).

Accordingly, it is hereby

ORDERED that plaintiff's request for supplementation of defendants' response to post deposition demands is denied, and plaintiff's request for defendant's client list and tax records for the period of 2019-2023 is denied; and it is further

ORDERED that defendants shall provide courtesy copies to plaintiff of all of all tax records previously provided and consented to at the Rule 14 conference; and it is further

ORDERED that all parties shall appear for a virtual status conference on June 16, 2026 at 11:00 a.m., and the note of issue and certificate of readiness for trial filing deadline shall be extended to June 30, 2026.

DATE April 22, 2026

ROBERT R. REED, J.S.C.

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