

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

TRB Acquisition LLC, et al. v. Jack Yedid

2026 NY Slip Op 03651 (Supreme Court of the State of New York Appellate Division First Department 2026) ·
No. Case No. 2024-07246; Appeal No. 6852; Index No. 651160/21 · Decided June 9, 2026

SUMMARY

The Appellate Division, First Department reversed an order awarding Jack Yedid \$350,000 in attorneys' fees and vacated the award. Relying on its prior holding that the plaintiffs' action was not a strategic lawsuit against public participation, the court held that Yedid was not entitled to attorneys' fees; it also declined to consider the plaintiffs' request for reassignment of the matter because that request was unpreserved.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Gesmer, J.; Mendez, J.; Rodriguez, J.; Hagler, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	June 9, 2026
DOCKET	Case No. 2024-07246; Appeal No. 6852; Index No. 651160/21
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiffs appealed from an order of Supreme Court, New York County, granting defendant's motion for attorneys' fees.
STANDARD OF REVIEW	Review on the law; the court also applied preservation principles to plaintiffs' request for reassignment and examined whether plaintiffs established a factual basis for that relief.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	TRB Acquisition LLC, et al. v. Jack Yedid

TOPICS

- attorney fees
- appellate procedure
- preservation of error
- remedies
- commercial litigation

PRACTICE AREAS

appellate procedure

civil procedure

commercial litigation

attorney fees

remedies

QUESTIONS PRESENTED

1. Whether defendant was entitled to attorneys' fees when the Appellate Division had previously held that plaintiffs' action was not a strategic lawsuit against public participation.
2. Whether plaintiffs' request to reassign the matter to a different justice was preserved for appellate review or supported by a factual basis.

HOLDINGS

1. Defendant was not entitled to attorneys' fees because the Appellate Division had previously held that plaintiffs' action was not a strategic lawsuit against public participation; the attorneys' fee award was therefore reversed and vacated.
2. Plaintiffs' request to have the matter reassigned to a different justice was unpreserved because plaintiffs failed to seek that relief from the motion court.
3. In any event, plaintiffs were not entitled to reassignment because they presented no factual basis demonstrating that the court had a predetermined outcome in mind.

KEY QUOTATIONS

“Order, Supreme Court, New York County (Jennifer G. Schecter, J.), entered November 21, 2024, which granted defendant's motion for attorneys' fees, unanimously reversed, on the law, without costs, the motion denied, and the award vacated.” ([*1])

“In TRB Acquisitions LLC, this Court reinstated plaintiffs' complaint and expressly held that defendant was not entitled to attorneys' fees, as plaintiffs' action was not a strategic lawsuit against public participation” ([*1])

FACTUAL BACKGROUND

Defendant obtained an attorneys' fee award of \$350,000 from Supreme Court, New York County. The award arose from plaintiffs' action, which the Appellate Division had previously held was not a strategic lawsuit against public participation and in which it had reinstated plaintiffs' complaint. Plaintiffs also sought reassignment to a different justice, but had not requested that relief from the motion court and offered no factual basis showing that the justice had predetermined the outcome.

PROCEDURAL HISTORY

Supreme Court, New York County, entered an order on November 21, 2024, awarding defendant \$350,000 in attorneys' fees. Plaintiffs appealed. The Appellate Division, First Department, unanimously reversed on the law, denied the motion, and vacated the award.

DISPOSITION

reversed

CASES CITED

- TRB Acquisitions LLC v. Yedid, 239 AD3d 578, 579-580 (1st Dep't 2025)
- Isaly v. Garde, 216 AD3d 594, 596 (1st Dep't 2023), lv dismissed, 40 NY3d 1088 (2024)
- Matter of Skarlith G. v. Guelvis J.C., 184 AD3d 470, 471 (1st Dep't 2020)

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