

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Halil Demirtas v. 846 Gas Corp. and Shmuel Yakobowicz, a/k/a Samuel Yakobowicz, a/k/a Samuel Jacoby

No. 24-CV-4960(NRM)(SIL), United States District Court for the Eastern District of New York (February 3, 2026)

SUMMARY

The court grants Plaintiff Halil Demirtas’s unopposed motion for post-judgment discovery to assist in enforcing a default judgment against 846 Gas Corp. and Shmuel Yakobowicz. The order relies on Federal Rule of Civil Procedure 69 and directs the parties to file a status report concerning satisfaction of the judgment or the need for further discovery by March 3, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Steven I. Locke
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 3, 2026
DOCKET	24-CV-4960(NRM)(SIL)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a judgment creditor, moved unopposed for post-judgment discovery concerning defendants' assets to assist in enforcing a default judgment. The court granted the motion to the extent that any portion of the judgment remained outstanding.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 69(a)(2) and determined whether the requested post-judgment discovery was proportionate and appropriate to aid enforcement of the outstanding judgment.
PRECEDENTIAL VALUE	unpublished
PARTIES	Halil Demirtas v. 846 Gas Corp., Shmuel Yakobowicz, a/k/a Samuel Yakobowicz, a/k/a Samuel Jacoby

TOPICS

discovery dispute

default judgment

remedies

commercial litigation

civil procedure

PRACTICE AREAS

civil procedure

judgment enforcement

commercial litigation

QUESTIONS PRESENTED

1. Whether a judgment creditor may obtain proportionate discovery concerning judgment debtors' assets to assist in enforcing an outstanding default judgment under Federal Rule of Civil Procedure 69(a)(2).

HOLDINGS

1. A judgment creditor may obtain proportionate discovery concerning the judgment debtors' assets and liabilities to aid enforcement of an outstanding judgment, including a default judgment, under Federal Rule of Civil Procedure 69(a)(2). Because part of the judgment remained unpaid, plaintiff's motion for discovery was granted.

KEY QUOTATIONS

“Rule 69 of the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) provides that, “[i]n the aid of the judgment or execution, [a] judgment creditor . . . may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located.””

“Plaintiff seeks proportionate discovery to assist in enforcement of the default judgment entered against Defendants.”

FACTUAL BACKGROUND

Defendants were subject to a default judgment for \$24,993.49. Plaintiff later reported that defendants had paid \$9,094.99, leaving \$19,647.51 unpaid, and sought information about defendants' assets to aid enforcement of the judgment. The court noted that the larger total amount cited by plaintiff appeared to include a 15% penalty for untimely payments identified in the judgment.

PROCEDURAL HISTORY

The district court adopted an unopposed Report and Recommendation on June 6, 2025, directing entry of a \$24,993.49 default judgment against defendants. The Clerk entered judgment on June 9, 2025. After plaintiff reported partial satisfaction of the judgment and an unpaid balance, plaintiff moved for discovery under Federal Rule of Civil Procedure 69(a)(2), and the court granted the motion.

DISPOSITION

other

REMAND INSTRUCTIONS

The parties were instructed to file a further status report by March 3, 2026, addressing satisfaction of the judgment or the need for further discovery.

CASES CITED

- Libaire v. Kaplan, 760 F. Supp. 2d 288, 293 (E.D.N.Y. 2011)
- Gibbons v. Smith, No. 01 Civ. 1224(LAP), 2010 WL 582354, at *3 (S.D.N.Y. Feb. 11, 2010)
- Banco Central De Paraguay v. Paraguay Humanitarian Found., Inc., No. 01 Civ. 9649(JFK), 2006 WL 3456521, at *8 (S.D.N.Y. Nov. 30, 2006)

OPINION

Demirtas

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

-----X

HALIL DEMIRTAS,

Plaintiff, ORDER -against- 24-CV-4960(NRM)(SIL)

846 GAS CORP. and SHMUEL YAKOBOWICZ,

a/k/a SAMUEL YAKOBOWICZ, a/k/a SAMUEL

JACOBY,

Defendants. -----X STEVEN I. LOCKE,

United States Magistrate Judge: On June 6, 2025, the Honorable Nina R. Morrisson adopted this Court's unopposed Report and Recommendation that a default judgment in the amount of \$24,993.49 be entered against Defendants 846 Gas Corp. and Shmuel Yakobowicz (together, "Defendants"). The Clerk of the Court entered judgment against Defendants on June 9, 2025 (the "Judgment"). See Docket Entry ("DE") [16]. On September 2, 2025, Plaintiff Halil Demirtas ("Demirtas" or "Plaintiff") filed the instant unopposed motion seeking discovery to assist in enforcing the Judgment, DE

[17], which Defendants oppose. DE [18]. Plaintiff seeks, inter alia, "information related to Defendants' assets to aid in the enforcement of the Court's Judgment." Id. In a January 20, 2026 Notice of Partial Satisfaction of Judgment, Plaintiff represented that Defendants have paid \$9,094.99 of the Judgment, leaving \$19,647.51 unpaid.¹ DE [19]. As the remainder of the Judgment remains outstanding, Plaintiff's motion for discovery is granted. Rule 69 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") provides that, "[i]n the aid of the judgment or execution, [a] judgment creditor . . . may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(2). To this end, Fed. R. Civ. P. 69 "permits 'wide latitude in using the discovery devices provided by the Federal Rules in post-judgment proceedings.'" Libaire v. Kaplan, 760 F. Supp. 2d 288, 293 (E.D.N.Y. 2011) (quoting Gibbons v. Smith, No. 01 Civ.

1224(LAP), 2010 WL 582354, at *3 (S.D.N.Y. Feb. 11, 2010)); see *Banco Central De Paraguay v. Paraguay Humanitarian Found., Inc.*, No. 01 Civ. 9649(JFK), 2006 WL 3456521, at *8 (S.D.N.Y. Nov. 30, 2006) (“Under Rule 69(a), a judgment creditor is entitled to a wide range of discovery concerning the assets and liabilities of a judgment debtor.”). Plaintiff seeks proportionate discovery to assist in enforcement of the default judgment entered against Defendants. DE [17]. Accordingly, to the extent any portion of the Judgment remains outstanding as of the date of this Order, Plaintiff’s motion is granted. *Libaire*, 760 F. Supp. 2d at 293; *Banco Central De Paraguay*, 2006 WL 3456521, at *8. The parties are instructed to file a further status report regarding the satisfaction of judgment or the need for further discovery by March 3, 2026. 1 Although the total amount Plaintiff cites comes to \$28,742.50, and not \$24,993.49, this amount appears to account for the 15% penalty for untimely payments identified in the Judgment. DE [16]. Dated: Central Islip, New York SO ORDERED. February 3, 2026 s/ Steven I. Locke
STEVEN I. LOCKE
United States Magistrate Judge