

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)

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