

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

Edward Tyler Nahem Fine Art L.L.C. v. Lee

2025 N.Y. Slip Op. 07222 (Supreme Court of the State of New York Appellate Division First Department 2025) ·
No. Index No. 653982/23; Appeal Nos. 5456-5457-5458; Case Nos. 2024-05085, 2024-05086, 2024-04433 ·
Decided December 23, 2025

SUMMARY

The New York Appellate Division, First Department unanimously affirmed orders denying Lea Lee's motion to dismiss, compelling her deposition, and directing compliance with a confidentiality order. The court held that Lee's sisters were not necessary parties, the complaint stated viable claims, her deposition was material and necessary, and the confidentiality procedures were proper.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kennedy, J.P.; Kapnick, J.; Rodriguez, J.; Michael, J.; Hagler, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 23, 2025
DOCKET	Index No. 653982/23; Appeal Nos. 5456-5457-5458; Case Nos. 2024-05085, 2024-05086, 2024-04433
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from orders of Supreme Court, New York County, denying Lee's motion to dismiss, compelling her deposition, and directing her to comply with an order concerning production and exchange of confidential information.
STANDARD OF REVIEW	The appellate court reviewed the discovery and confidentiality orders for abuse of discretion, while reviewing the necessary-party and pleading issues under the applicable statutory standards.
PRECEDENTIAL VALUE	published
PARTIES	Lea Lee v. Edward Tyler Nahem Fine Art L.L.C., et al.

TOPICS

motions to dismiss

joinder

discovery dispute

commercial litigation

civil procedure

PRACTICE AREAS

civil procedure

commercial litigation

discovery

QUESTIONS PRESENTED

1. Whether Lee's sisters were necessary parties whose absence required dismissal or joinder.
2. Whether the complaint adequately stated viable claims.
3. Whether Supreme Court properly compelled Lee to appear for a deposition under the usual conditions, including the presence of no outside friend and a seven-hour duration limit.
4. Whether Supreme Court properly enforced the confidentiality order despite Lee's default in opposing the enforcement motion.

HOLDINGS

1. Lee's sisters were not necessary parties because the action could be completely resolved without their joinder; therefore, dismissal on that ground was properly denied.
2. The complaint adequately stated viable claims, so denial of Lee's motion to dismiss was proper.
3. Supreme Court properly exercised its discretion in compelling Lee to appear for a deposition under the usual conditions.
4. Supreme Court properly directed Lee to comply with the procedures in the confidentiality order, notwithstanding her default in opposing the enforcement motion.

KEY QUOTATIONS

“The court properly denied Lee's motion to dismiss the complaint based on the failure to name Lee's sisters as defendants, because they are not necessary parties to this action, which can be completely resolved without their joinder” ([*1])

“The court providently exercised its discretion in ordering Lee to appear for a deposition under the usual conditions, as her testimony is material and necessary to the resolution of the action” ([*1])

FACTUAL BACKGROUND

Plaintiffs brought an action arising from transactions involving artwork that occurred after Lee's mother or sisters had sold the artwork. Lee moved to dismiss, arguing in part that her sisters were necessary parties and that the complaint failed to state viable claims. Plaintiffs also sought to compel Lee's deposition and enforce procedures requiring production and exchange of confidential information, supported by evidence that disclosure without the order could harm their business by allowing competitors to obtain detrimental information.

PROCEDURAL HISTORY

Supreme Court, New York County, denied Lee's motion to dismiss the complaint and granted plaintiffs' motion to compel her deposition in orders entered on or about July 3, 2024. In a separate order entered on or about May 25, 2024, the court directed Lee to comply with an order governing production and exchange of confidential information after she failed to oppose plaintiffs' enforcement motion. The Appellate Division, First Department, unanimously affirmed all orders with costs.

DISPOSITION

affirmed

CASES CITED

- Lee v. Royer Grimblat, 228 A.D.3d 576 (1st Dep't 2024), leave to appeal denied, 42 N.Y.3d 912 (2025)
- Allen v. Crowell-Collier Publishing Co., 21 N.Y.2d 403, 406 (1968)
- Related Guarantee Corp. Partners, L.P. v. Dembeck, 231 A.D.2d 439, 439-440 (1st Dep't 1996), appeal dismissed, 89 N.Y.2d 936 (1997)
- Mann v. Cooper Tire Co., 56 A.D.3d 363, 365 (1st Dep't 2008)

OPINION

PER CURIAM.

Edward Tyler Nahem Fine Art L.L.C. v Lee (2025 NY Slip Op 07222) Edward Tyler Nahem Fine Art L.L.C. v Lee 2025 NY Slip Op 07222 Decided on December 23, 2025 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided and Entered: December 23, 2025 Before: Kennedy, J.P. SEQ CHAPTER \h \r 1, Kapnick, Rodriguez, Michael, Hagler, JJ. Index No. 653982/23|Appeal No. 5456-5457-5458|Case No. 2024-05085, 2024-05086, 2024-04433| [*1]Edward Tyler Nahem Fine Art L.L.C., et al., Plaintiffs-Respondents, v Lea Lee, Defendant-Appellant, Elisabeth Royer Grimblat, Defendant. Lea Lee, appellant pro se.

ArtxLaw PLLC, Kingston (Ronald Adelman of counsel), for respondents. Orders, Supreme Court, New York County (Lyle E. Frank, J.), each entered on or about July 3, 2024, which denied defendant Lee's motion to dismiss the complaint and granted plaintiffs' motion to compel Lee's deposition, unanimously affirmed, with costs. Order, same court and Justice, entered on or about May 25, 2024, which upon Lee's failure to oppose plaintiffs' motion to enforce an order of production and exchange of confidential information directed Lee to comply with said order, unanimously affirmed, with costs.

The court properly denied Lee's motion to dismiss the complaint based on the failure to name Lee's sisters as defendants, because they are not necessary parties to this action, which can be completely resolved without their joinder (see CPLR 1001[a]).

The transactions that form the basis of the action post-dated the sale of the artwork by Lee's mother or her sisters; in any event, Lee's separate action against her sisters was dismissed on the merits, as affirmed by this Court(Lee v Royer Grimblat, 228 AD3d 576 [1st Dept 2024], lv denied 42 NY3d 912 [2025]).

Moreover, the complaint adequately states viable claims. The court providently exercised its discretion in ordering Lee to appear for a deposition under the usual conditions, as her testimony is material and necessary to the resolution of the action (CPLR 3101[a]; Allen v Crowell-Collier Publishing Co., 21 NY2d 403, 406 [1968]). Lee failed to demonstrate why she required the presence of her friend at the deposition (Related Guarantee Corp. Partners, L.P. v Dembeck, 231 AD2d 439, 439-440 [1st Dept 1996], appeal dismissed 89 NY2d 936 [1997]), or why its duration should be reduced to two hours from the usual limit of seven hours (22 NYCRR 202.20-b[a][2]).

The court properly directed Lee to comply with the procedures set forth in the confidentiality order. Setting aside Lee's default in responding to the motion, plaintiffs presented evidence that without the order their competitors could obtain information that was detrimental to their business.

Moreover, the confidentiality order included a procedure for Lee to contest a confidential designation and obtain a ruling from the court (see Mann v Cooper Tire Co., 56 AD3d 363, 365 [1st Dept 2008]). We have considered Lee's remaining arguments and find them unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: December 23, 2025

PER CURIAM.

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