

Sheric, LLC v Bash LLC
2022 NY Slip Op 30874(U)
March 11, 2022
Supreme Court, New York County
Docket Number: Index No. 654229/2021
Judge: Arthur F. Engoron
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PRESENT:

Engoron, Justice

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SHERIC, LLC,

Index No.: 654229/2021

Petitioner,

-against-

BASH LLC AND DOES 1 THROUGH 100,

**SECOND ORDER
GRANTING
PETITION**

Respondents.

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Upon reading the Petition for Inspection of Books and Records Pursuant to CPLR 4 and NY LLC Law Section 1102 by Sheric, LLC dated July 7, 2021, the Affidavit of Hedi Alexander sworn to on July 16, 2021 together with the exhibits attached thereto; the Affidavit of Patricia C. O'Prey sworn to on June 24, 2021, and the Affidavit in Opposition to Petition for Inspection of Books and Records filed September 13, 2021 and sworn on August 17, 2021, the Affirmation of Patricia O'Prey filed January 21, 2022 together with the exhibits attached thereto, the Affirmation in Opposition filed February 25, 2022, and following a hearing on March 11, 2022,

NOW on the Petition of Sheric LLC, it is hereby

ORDERED that, pursuant to New York Limited Liability Company Law Section 1102, the Bash LLC Operating Agreement and New York common law, Respondent Bash LLC, a New York limited liability company, permit Petitioner

and/or its attorneys and/or accountants to examine and copy Bash LLC's books and records no later than March 18, 2022. Bash LLC shall permit Petition to examine Bash LLC's books and records for the period January 2015 through the present including but not limited to (excluding documents already provided to Petitioner, presuming they are accurate and complete):

1. Tax return for 2021 (when filed);
2. General ledgers from May 2021 – present (and ongoing on a monthly basis);
3. Contracts and Closing Documents related to the purchase or sale of any property, real or personal, owned now or previously by Bash LLC, including but not limited to the sale of Units 2C, 2E, 2F, 4F, 3C, 5A, 6A, and 6H in the Gatsby House, 5161 Collins Avenue, Miami, Florida, Units 2101 & 2013 at 4401 Collins Avenue, Miami, Florida, 133 NE 2nd Avenue, Apartment 1419, Miami, Florida, 335 S. Biscayne Boulevard, Unit 4201, Miami, Florida; 695 SW 11th Street, Unit 201, Miami, Florida; 7230 Fairway Drive, Apartment F20, Miami Lakes, Florida; and 4391 Collins Avenue #714 and 4401 Collins Avenue #805, Miami, Florida;
4. Promissory notes, mortgages and security agreements to which Bash LLC is or was a party, including but not limited to debt service statements, reflecting principal and interest owed on loans made to Bash LLC (to the extent not already produced), including in particular Northeast loan statements through the present (and ongoing);
5. Mortgage closing documents for any debt arrangements entered into by Bash LLC during the period 2015 – present (to the extent not already produced);
6. Cancelled checks for all bank accounts held by Bash LLC for the period 2015 – present;
7. Statements for Chase account #3320 and #7166 from October 2021 – present (and ongoing);
8. Identification of any Qualified Intermediaries who held or hold escrowed

- funds related to any Bash LLC property sales from 2018-present (and ongoing), including statements from the intermediaries reflecting funds escrowed during the period 2018-present (and ongoing) and identification of any replacement properties related to 1031 exchanges for properties sold during the period 2018-present (and ongoing);
9. Documents reflecting where the proceeds of the sales of units 2C, 2E, 2F, 4F, 3C, 5A, 6A, and 6H of the Gatsby House, 5161 Collins Avenue, Miami, Florida, 133 NE 2nd Avenue, Apartment 1419, Miami, Florida, 335 S. Biscayne Boulevard, Unit 4201, Miami, Florida; 695 SW 11th Street, Unit 201, Miami, Florida; and 7230 Fairway Drive, Apartment F20, Miami Lakes, Florida were deposited, distributed or escrowed, or otherwise reflecting the status of those proceeds;
 10. Any and all documents related to the transfer of property from Bash LLC to David Basch or any third party, including whether such third parties have any business or other relationships with David Basch and correspondence with counsel for Bash LLC regarding such transfers;
 11. Invoices from Miami Lux;
 12. All correspondence related to the proposed sale of units at the Gatsby House in December 2021, including but not limited to the proposed sale of Unit 5H;
 13. All documents related to the proposed (or consummated) purchase of property by Bash LLC in 2022, including but not limited to 4391 Collins Avenue #714 and 4401 Collins Avenue #805, Miami, Florida, sufficient to identify when the contract to purchase such properties were entered and correspondence related to any such purchases and the restraining order filed by Justice Saunders on February 9, 2022 in the matter styled *Sheric LLC v. Bash LLC & David Basch*, Index No. 650394/22 (NYCEF No. 30); Bills and/or invoices, including daily time entries with explanation of tasks performed, provided by the Price Law Firm to Bash LLC from 2018-present;
 14. Correspondence between Mr. Basch, any member of the Price Law Firm and real estate brokers related to the purchase or sale of any assets by or from

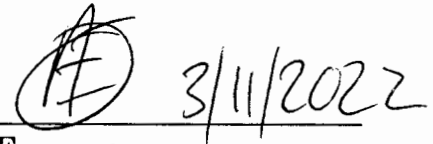
- Bash LLC from 2018 – present;
- 15. Appraisals of any property, real or personal, owned now or previously by Bash LLC (to the extent not already produced);
- 16. Rent rolls or properties rented by Bash LLC from 2015 – present (to the extent not already produced); and
- 17. Lease agreements to which Bash LLC is a party (to the extent not already produced).

ORDERED that pending the examination of such books and records by Petitioner, Respondent shall not destroy any books or records;

ORDERED that Respondent Bash’s obligation to provide books and records to Petitioner Sheric is ongoing;

ORDERED that Petitioner’s Motion for Sanctions is denied without prejudice.

Enter,



J.S.C. Engoron