

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. SUZANNE J. ADAMS PART 39TR**

*Justice*

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CHERI PIERSON,

Plaintiff,

- v -

LEON BLACK, ESTATE OF JEFFREY E. EPSTEIN,  
DARREN K. INDYKE, RICHARD D. KAHN, THE 1953  
TRUST

Defendant.

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INDEX NO. 952002/2022  
MOTION DATE N/A  
MOTION SEQ. NO. 001

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 60, 61, 62, 63, 64, 65, 66, 67, 68

were read on this motion to/for

SANCTIONS

Upon the foregoing documents, it is ordered defendant Leon Black’s motion and plaintiff’s cross-motion are both denied. Plaintiff commenced this action in November 2022 pursuant to New York’s Adult Survivors Act, CPLR § 214-j, alleging civil sexual assault and battery, intentional infliction of emotional distress, and gender-motivated violence. Defendant Black now moves for sanctions against plaintiff’s counsel pursuant to 22 NYCRR § 130-1.1, on the grounds that plaintiff’s counsel brought this action, and a separate action allegedly containing references to the instant plaintiff, largely to harass him and destroy his reputation, because Black has purportedly demonstrated that the allegations against him are false. Plaintiff opposes the motion and cross-moves for sanctions against Black and his counsel, essentially for their filing the sanctions motion. Black opposes the cross-motion.

Section 130-1.1(a) allows the court in its discretion to “impose financial sanctions upon any party or attorney in a civil action or proceeding who engages in frivolous conduct.” Section 130-1.1(c) in turn provides that conduct is frivolous if:

- (1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law;
  - (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or
  - (3) it asserts material factual statements that are false.
- Frivolous conduct shall include the making of a frivolous motion for costs or sanctions under this section. In determining whether the conduct undertaken was frivolous, the court shall consider, among other issues, (1) the circumstances under which the conduct took place, including the time available for investigating the legal or factual basis of the conduct; and (2) whether or not the conduct was continued when its lack of legal or factual basis was apparent, should have been apparent, or was brought to the attention of counsel or the party.

Pursuant to this standard, the court declines to impose sanctions on any party or their counsel. In light of the fact that there has been no discovery in this action to date, there is no basis in the record for the court to conclude that any or all allegations or claims by either side are demonstrably false as a matter of law.

Accordingly, it is hereby

ORDERED that defendant Black’s motion for sanctions is denied; and it is further

ORDERED that plaintiff’s cross-motion for sanctions is denied.

This constitutes the decision and order of the court

<u>10/23/2023</u> DATE	<u>SUZANNE J. ADAMS, J.S.C.</u>			
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	
APPLICATION:	<input type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART	<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> SUBMIT ORDER	
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE