

At an I.A.S. Trial Term, Part 2, of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at 320 Jay Street, Borough of Brooklyn, City and State of New York, on December 5, 2025.

PRESENT:

Hon. AARON D. MASLOW
Justice

-----X
Richard C. Litman
Plaintiff(s),

-against-
Jaschna B. Goldberg
Defendant(s).
-----X

ORDER

Index No. 524343/2025
Motion Sequence No(s). ~~19 and 20~~ 2 and 3
Calendar Date: 12 / 5 / 2025
Calendar No(s). 19 and 42

The following numbered papers were used on the motion(s): NYSCEF Document Numbers 17-58

Upon the foregoing papers, having heard oral argument, and due deliberation having been had, It is hereby ORDERED as follows:

A decision upon which this order is based was dictated in open court on the record. Available to be transcribed by the court reporter, it shall be included in the record on appeal or appendix should an appeal be taken (see CPLR 5526; 22 NYCRR 1250.7 [b] [4], [d] [1] [iii]).

The motion by Defendant, Jaschna Goldberg seeking Dismissal is Granted to the extent it relates to the claims for Equitable accounting, constructive trust, unjust enrichment and breach of fiduciary duty. It is denied as to misappropriation.

The cross-motion by Plaintiff, Richard C. Litman is granted ~~to the extent that the claims for equitable accounting and constructive trust were dismissed.~~ solely to the extent that the misappropriation claim remains in the second amended complaint; otherwise it is denied.

For Clerk's use only:
MG _____ MD _____ Motion Sequence No(s): _____

ENTER
AMW

CPLR 5513 (a) provides: "Time to take appeal as of right. An appeal as of right must be taken within thirty days after service by a party upon the appellant of a copy of the judgment or order appealed from and written notice of its entry, except that when the appellant has served a copy of the judgment or order and written notice of its entry, the appeal must be taken within thirty days thereof."

HON. AARON D. MASLOW
JUSTICE OF THE SUPREME COURT