

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JEFFREY SIMPSON,

Plaintiff,

- v -

JARED CHASSEN et al.,

Defendants.

Case #25-2388

Appeal from
Case #25-04004 (JMF)

**PRE-ARGUMENT STATEMENT (FORM C),
INCLUDING ADDENDA AND ATTACHMENTS,
AND TRANSCRIPT INFORMATION (FORM D)**

MAIDEN LANE LAW GROUP

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Attorneys for Jeffrey Simpson

FORM C – PRE-ARGUMENT STATEMENT

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)

1. SEE NOTICE ON REVERSE

2. PLEASE TYPE OR PRINT

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: JEFFREY SIMPSON, Plaintiff, v. JARED CHASSEN et al., Defendants.	District Court or Agency: S.D.N.Y.	Judge: Hon. Jesse M. Furman
	Date the Order or Judgment Appealed from was Entered on the Docket: 8/29/25(#45), 7/31/25(#33)	District Court Docket No.: Case #25-04004 (JMF)
	Date the Notice of Appeal was Filed: 9/29/25	Is this a Cross Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Attorney(s) for Appellant(s): <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	Counsel's Name: Benjamin Robert Rajotte, One Maiden Lane, Suite 900, (212) 463-6669, rajb@mllg.nyc	Address:	Telephone No.:	Fax No.:	E-mail:
Attorney(s) for Appellee(s): <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant	Counsel's Name: Allen Schwartz, 150 Broadway, Suite 701, (347) 460-5379, allen@allenschwartzlaw.com	Address:	Telephone No.:	Fax No.:	E-mail:
Has Transcript Been Prepared? No transcribed proceeding	Approx. Number of Transcript Pages:	Number of Exhibits Appended to Transcript:	Has this matter been before this Circuit previously? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide the following: Case Name: 2d Cir. Docket No.: Reporter Citation: (i.e., F.3d or Fed. App.)		

ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.

ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.

PART A: JURISDICTION

1. Federal Jurisdiction		2. Appellate Jurisdiction	
<input type="checkbox"/> U.S. a party	<input type="checkbox"/> Diversity	<input checked="" type="checkbox"/> Final Decision	<input type="checkbox"/> Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b))
<input type="checkbox"/> Federal question (U.S. not a party)	<input checked="" type="checkbox"/> Other (specify): <small>Basis for removal in dispute</small>	<input type="checkbox"/> Interlocutory Decision Appealable As of Right	<input type="checkbox"/> Other (specify): _____

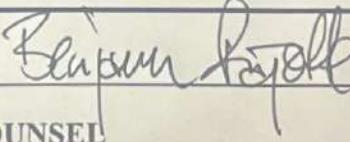
IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.

PART B: DISTRICT COURT DISPOSITION (Check as many as apply)

1. Stage of Proceedings	2. Type of Judgment/OrderAppealed	3. Relief
<input checked="" type="checkbox"/> Pre-trial <input type="checkbox"/> During trial <input type="checkbox"/> After trial	<input type="checkbox"/> Default judgment <input type="checkbox"/> Dismissal/FRCP 12(b)(1) <input type="checkbox"/> lack of subject matter juris. <input type="checkbox"/> Dismissal/FRCP 12(b)(6) <input type="checkbox"/> failure to state a claim <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) <input type="checkbox"/> frivolous complaint <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) <input type="checkbox"/> other dismissal	<input checked="" type="checkbox"/> Dismissal/other jurisdiction <input type="checkbox"/> Dismissal/merit <input type="checkbox"/> Judgment / Decision of the Court <input type="checkbox"/> Summary judgment <input type="checkbox"/> Declaratory judgment <input type="checkbox"/> Jury verdict <input type="checkbox"/> Judgment NOV <input type="checkbox"/> Directed verdict <input type="checkbox"/> Other (specify):
		<input type="checkbox"/> Damages: <input type="checkbox"/> Sought: \$ _____ <input type="checkbox"/> Granted: \$ _____ <input type="checkbox"/> Denied: \$ _____
		<input type="checkbox"/> Injunctions: <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Denied
		Attorneys' fees award on finding of removal as frivolous

PART C: NATURE OF SUIT (Check as many as apply)

1. Federal Statutes	2. Torts	3. Contracts	4. Prisoner Petitions
<input type="checkbox"/> Antitrust <input type="checkbox"/> Bankruptcy <input type="checkbox"/> Banks/Banking <input type="checkbox"/> Civil Rights <input type="checkbox"/> Commerce <input type="checkbox"/> Energy <input type="checkbox"/> Commodities <input checked="" type="checkbox"/> Other (specify): <u>Jurisdiction disputed</u>	<input type="checkbox"/> Communications <input type="checkbox"/> Consumer Protection <input type="checkbox"/> Copyright <input type="checkbox"/> Patent <input type="checkbox"/> Trademark <input type="checkbox"/> Election <input type="checkbox"/> Soc. Security <input type="checkbox"/> Environmental	<input type="checkbox"/> Freedom of Information Act <input type="checkbox"/> Immigration <input type="checkbox"/> Labor <input type="checkbox"/> OSHA <input type="checkbox"/> Securities <input type="checkbox"/> Tax	<input type="checkbox"/> Admiralty/ <input type="checkbox"/> Maritime <input type="checkbox"/> Assult / <input type="checkbox"/> Arbitration <input type="checkbox"/> Defamation <input type="checkbox"/> FELA <input type="checkbox"/> Products Liability <input type="checkbox"/> Other (Specify):
5. Other	6. General	7. Will appeal raise constitutional issue(s)?	
<input type="checkbox"/> Hague Int'l Child Custody Conv. <input type="checkbox"/> Forciture/Penalty <input type="checkbox"/> Real Property <input type="checkbox"/> Treaty (specify): _____ <input type="checkbox"/> Other (specify): _____	<input type="checkbox"/> Arbitration <input type="checkbox"/> Attorney Disqualification <input type="checkbox"/> Class Action <input checked="" type="checkbox"/> Counsel Fees <input type="checkbox"/> Shareholder Derivative <input type="checkbox"/> Transfer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Will appeal raise a matter of first impression? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

1. Is any matter relative to this appeal still pending below? <input type="checkbox"/> Yes, specify: _____ <input checked="" type="checkbox"/> No			
2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which: (A) Arises from substantially the same case or controversy as this appeal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (B) Involves an issue that is substantially similar or related to an issue in this appeal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, state whether <input type="checkbox"/> "A," or <input type="checkbox"/> "B," or <input type="checkbox"/> both are applicable, and provide in the spaces below the following information on the <i>other</i> action(s):			
Case Name: In re JJ Arch LLC, Bankr. Pro. #24-10381 (JPM)	Docket No. 24-bk-10381; 24-cv-08649	Citation: Appeal at 24-08649 (JAV)	Court or Agency: S.D.N.Y. and S.D.N.Y. Bankr. Ct.
Name of Appellant: Jeffrey Simpson, individually and derivatively as Managing Member of JJ Arch LLC			
Date: 10/15/2025	Signature of Counsel of Record: 		

NOTICE TO COUNSEL

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file it with the Clerk of the Second Circuit in accordance with LR 25.1.
2. File the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit in accordance with LR 25.1.
3. Pay the \$605 docketing fee to the United States District Court or the \$600 docketing fee to the United States Tax Court unless you are authorized to prosecute the appeal without payment.

PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.

FORM C – ADDENDA A & B

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JEFFREY SIMPSON,

Plaintiff,

- v -

JARED CHASSEN et al.,

Defendants.

Case #25-2388

Appeal from
Case #25-04004 (JMF)

FORM C ADDENDUM A

1. BRIEF DESCRIPTION OF THE NATURE OF THE ACTION

This appeal arises from post-remand fee and sanctions proceedings following the District Court’s remand of *Simpson v. Chassen*, Index #158055/2023 (Sup. Ct. N.Y. County, Comm. Div. Aug. 15, 2023), to the New York Supreme Court, New York County. The underlying controversy stems from the attempt by 35 Oak Holdings Ltd., a closely held Canadian company operating in the United States through 608941 NJ Inc. (“Oak”), to seize control of Arch Real Estate Holdings LLC (“AREH”) from Jeffrey Simpson, who remained Managing Member of JJ Arch LLC (“JJ Arch”), which is designated as AREH’s Managing Member under governing operating agreements. JJ Arch’s members included both Mr. Simpson and junior member, Defendant Jared Chassen; one of the issues in litigation concerns whether, by entering into a so-called “Joint Defense

Agreement” (NYSCEF Dkt. #[1901](#)) and a series of other acts, Mr. Chassen resigned under the definition of “Resignation,” or was otherwise divested of membership for cause, under the governing operating agreements.

The companies managed or controlled through AREH are collectively known as the “Arch Companies,” and they include both vertically integrated operational companies that serviced AREH’s real estate portfolio, in addition to the property-level investment entities and holding companies for a real estate portfolio consisting of commercial buildings and large garden apartment complexes in multiple states. In various filings, Arch’s investment-level entities are sometimes referred to as JJ Arch-controlled properties or JJ Arch-controlled entities.

At its peak, the Arch real estate portfolio surpassed \$1 billion in assets under AREH’s management – *i.e.*, under JJ Arch’s management as AREH’s Managing Member. Under the governing operating agreements, AREH has only two members: JJ Arch, as its Managing Member; and Oak, as passive Investment Member serving as the portfolio’s guarantor.

Although Oak first sued Mr. Simpson in *608941 NJ Inc. v. Simpson*, Case #23-07089 (S.D.N.Y. Aug. 10, 2023), after he derailed Oak’s to improperly oust him as Managing Member by forcibly instituting Mr. Chassen as proxy, it intervened in the Supreme Court action on October 17 2023 under CPLR §§ 6401 *et seq.* Oak’s intervention sought to place all JJ Arch-controlled entities and

properties into receivership – a calculated effort amongst Oak’s counsel and Mr. Chassen’s counsel of record, to gain ultimate control over AREH and prevent Mr. Simpson from bringing JJ Arch into bankruptcy.¹

Mr. Simpson’s contention from the start of this litigation is that Oak planned the blueprint and shared it with Simpson in July 2023, threatening him to go along with it; and when he refused, they engaged in *ultra vires* acts to steal the company. The Oak-Chassen Joint Defense Agreement is the defining compact. Oak abandoned its Federal lawsuit after obtaining an interim order, dated November 22, 2023 and entered November 28, 2023 (NYSCEF Dkt. #[418](#)), divesting Mr. Simpson of serving as AREH’s Managing Member through JJ Arch (the “Interim

¹ Since beginning representation in May 2025, the vast majority of filings and motion practice in the Supreme Court action have revolved around two primary issues: Mr. Chassen’s motion for a receivership over four JJ Arch-controlled properties outside of the AREH umbrella; and Mr. Chassen’s continuing attempts to hold Mr. Simpson in contempt of Court, on bases rejected by the Supreme Court, except on Mr. Chassen’s fifth such motion (mot. seq. #26). The Supreme Court granted Mr. Chassen’s order to show cause to hold contempt hearing. The issues in the contempt proceeding, which is pending post-hearing briefing of proposed findings of fact and conclusions of law, are predominated by multiple issues of law, outlined in Supreme Court briefing, including (1) the facial inadequacy of so-called “charges,” (2) *per se* conflicts of interest amongst Oak’s counsel, and collusion with Mr. Chassen, in addition to the fact that the contempt motion for alleged violation of the receivership was joined by Receiver Eric Huebscher himself, and (3) fraud upon the Courts by Mr. Chassen’s counsel submitting a falsified business record, which was created by Oak’s counsel over six months ago and held out to the Court and parties as a “Joint Defense Agreement” between Oak and Mr. Chassen (NYSCEF Dkt. #[1901](#)). The actual and complete Joint Defense Agreement, through an unknown number of versions in effect at any point in time, remains undisclosed.

Adding to this dispute are (4) pure legal issues involving what the Supreme Court has described as a “jurisdictional quandary” over the effect of the receivership (NYSCEF Dkt. #[1352](#), [1360](#), and [1508](#)), and (5) Mr. Chassen’s lack of standing to seek a receivership over the four properties at issue, which directly bears on the ultimate “non-core” corporate control issue as remanded to the Supreme Court by the Bankruptcy Court in its ruling to dismiss *In re JJ Arch LLC*, Case #24-10381 (Bankr. S.D.N.Y. Mar. 7, 2024) (the “Bankruptcy Proceeding”). Dismissal was sought on AREH’s and Mr. Chassen’s joined motion (the “Dismissal Order”). The Dismissal Order is pending appeal before the Southern District. *In re JJ Arch LLC*, Case #24-08649 (S.D.N.Y. Nov. 14, 2024).

Order”), although Mr. Simpson’s legal standing as JJ Arch’s Managing Member has never been disturbed.

By August 6 2023 (*nunc pro tunc* to August 3, 2023), Oak and Mr. Chassen had already executed some form of a “Common Interest, Joint Prosecution and Joint Defense Agreement” (as referenced above and in note 1, the “Joint Defense Agreement,” NYSCEF Dkt. #[1901](#)), which merged their litigation strategy under Oak’s direction. The Joint Defense Agreement demonstrates that Mr. Chassen has been acting as Oak’s alter-ego since early August 2023, and as such one of the issues on appeal is whether this collusion still defeats complete diversity where Oak controls the litigation. Oak’s designated counsel for AREH, along with counsel for the Receiver in the Supreme Court action, Eric Huebscher – who served as the Federal Chapter 11, Subchapter V Trustee in the related bankruptcy proceeding, *In re JJ Arch LLC*, Case #24-10381 (Bankr. S.D.N.Y. Mar. 7, 2024) (the “Bankruptcy Proceeding”) – joined their motions with Mr. Chassen’s in demanding remand and attorneys’ fees.

Only Mr. Chassen’s counsel, Allen Schwartz, Esq., however, submitted billing records to justify the Court’s finding of reasonableness of his fees – which the Court reduced. Although counsel for Receiver Huebscher claims not to have been paid to date, he failed to submit any billing records to substantiate his demand. Nor did Oak’s appointed counsel for AREH. In the billing records that

Mr. Chassen's counsel provided, nevertheless, Mr. Schwartz disclosed a continuous pattern of coordination with counsel for both Oak and AREH.

Simpson removed the Supreme Court action *pro se* on grounds including that the Oak-Chassen collusion destroyed the legitimacy of state proceedings. The District Court remanded on the ground that Mr. Simpson, as State Court plaintiff and counterclaim defendant, could not remove, and the Court retained jurisdiction to consider sanctions, entering judgment awarding Mr. Chassen \$27,271.62 in attorneys' fees and costs. Mr. Simpson, by his undersigned counsel in the State Court action, moved under Federal Rule of Civil Procedure 60(b) to vacate that judgment on the grounds summarized in this pleading.

Since that time, newly discovered evidence of fraud on the Courts perpetrated by Oak's counsel, and counsel of record for Mr. Chassen, has emerged, and these issues have been presented before the Honorable John P. Mastando III, U.S.B.J., presiding over the Bankruptcy Proceeding, under Federal Rule of Bankruptcy Procedure 8008, which seeks an indicative ruling regarding relief from the dismissal under Bankruptcy Rule 9024. *In re JJ Arch LLC*, Case #24-10381 (Bankr. S.D.N.Y. Mar. 7, 2024) (ECF Dkt. #237).

2. THE RESULT BELOW

Following removal of the Supreme Court action, the Honorable Jesse M. Furman, U.S.D.J, entered post-remand orders and judgments that resulted in the award now on appeal.

On May 29, 2025, the Court issued a Memorandum Opinion and Order (ECF Dkt. #21), holding that removal was improper because Mr. Simpson, as the plaintiff originating the underlying State Court action, could not remove under 28 U.S.C. §§ 1441 and 1446. The case was remanded to Supreme Court while the District Court retained jurisdiction to determine whether sanctions or fees should be imposed under 28 U.S.C. § 1447(c).

On June 27, 2025, by Memorandum Opinion and Order (ECF Dkt. #31), the Court granted Mr. Chassen's motion for attorneys' fees and an anti-filing injunction, finding the removal objectively unreasonable and enjoining Mr. Simpson from any future removal of the same action without prior leave. The Court denied Mr. Chassen's further request to hold Mr. Simpson or undersigned counsel in that action in contempt.

On July 28, 2025, the Court denied Mr. Simpson's motion for reconsideration and his request for a stay pending resolution of related Bankruptcy Proceeding on appeal (ECF Dkt. #40).

On July 30, 2025, the Court entered a Memorandum Opinion and Order (ECF Dkt. #42) determining the amount of fees and costs and directing immediate enforcement, and the Clerk of Court on July 31, 2025 entered judgment (ECF Dkt. # 43), awarding Mr. Chassen \$27,081 in attorneys' fees and \$190.62 in costs, for a total of \$27,271.62.

On August 29, 2025, the Court denied Mr. Simpson's Federal Rule of Civil Procedure 60(b) motion for relief from judgment, which asserted lack of jurisdiction, newly discovered evidence, and collusion under the Oak-Chassen Joint Defense Agreement, which vests Oak with direct control over the litigation, as frivolous (ECF Dkt. #45). No findings were made with respect to standing or the authenticity of the documents since disclosed in the State Court action.

Mr. Simpson filed his Notice of Appeal on September 29, 2025 (ECF Dkt. # 46), seeking review of the August 29, 2025 Order denying Rule 60(b) relief as to the July 31, 2025 fee award.

This appeal presents issues of first impression, which, *inter alia*, relate to: (1) whether a district court may retain and enforce a post-remand sanctions award under 28 U.S.C. § 1447(c) when later-emerging evidence demonstrates that the prevailing movant acted as the alter-ego of a non-diverse entity under a concealed joint-defense arrangement; and (2) the due process limits of post-remand fee issuance or enforcement when the underlying representation and billing

relationship are themselves subject to challenge for collusion and fraud on the Tribunal. Addendum D contains a fuller description of the issues presented.

**3. COPIES OF THE NOTICE OF APPEAL
AND THE COURT'S DOCKET SHEET**

True and correct copies of the Notice of Appeal and the Court's Docket Sheet are attached.

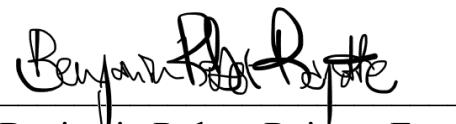
**4. COPIES OF ALL RELEVANT OPINIONS/ORDERS
FORMING THE BASIS FOR THIS APPEAL**

True and correct copies of the Opinions and Orders as referenced in point 2 above are attached.

Respectfully submitted,

Dated: October 15, 2025
Hartford County, Connecticut

MAIDEN LANE LAW GROUP



Benjamin Robert Rajotte, Esq.
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New York, New York 10038
(212) 463-6669
rajb@mllg.nyc

Attorneys for Jeffrey Simpson

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JEFFREY SIMPSON,

Plaintiff,

- v -

JARED CHASSEN et al.,

Defendants.

Case #25-2388

Appeal from
Case #25-04004 (JMF)

FORM C ADDENDUM B

ISSUES PROPOSED TO BE RAISED ON APPEAL

1. Whether the Court Retained Jurisdiction to Enter Sanctions after Remand under 28 U.S.C. § 1447(c)

Issue: The District Court entered an Order and Judgment awarding attorneys' fees and costs to Defendant Jared Chassen after having remanded the case to the Supreme Court for lack of subject matter jurisdiction. Appellant contends that the District Court lacked further jurisdiction to adjudicate collateral fee issues, not simply because of the remand, but moreover because Mr. Chassen lacked standing to request such relief, including through his alignment with 35 Oak Holdings Ltd. through 608941 NJ Inc. ("Oak") under a concealed joint-defense arrangement, which is an ultimate legal issue that has not yet been addressed by the respective State and Federal Courts hearing the different aspects of this dispute.

Standard of Review: Jurisdictional questions and interpretations of pure legal issues are reviewed de novo.

2. Whether Later-Obtained Evidence Divests the Movant of Recovery

Issue: The award of \$27,271.62 in Mr. Chassen's favor, relatedly, rests on the pretext that he is a distinct, prevailing party acting in good faith and entitled to such recovery. In reality, Oak is misidentified as Mr. Chassen. Later-obtained evidence, including the "Joint Defense Agreement," indicates that Mr. Chassen through his counsel of record has, from the start, been acting as Oak's alter-ego – with Oak directing the litigation strategy and, at certain periods of time, funding his legal counsel. Appellant argues that the award is void because Mr. Chassen lacked independent standing to seek fees, and furthermore because the evidence of collusion spearheaded by Oak undermines any presumption that Mr. Chassen's counsel is acting in his client's best interests and with informed consent.

Standard of Review: Findings concerning entitlement to and the amount of fees are reviewed under an abuse of discretion standard, while mixed questions of legal error or jurisdictional defect are reviewed de novo.

3. Whether the Court's Denial of the Rule 60(b) Motion Should Be Set Aside as Predicated upon Fraud on the Tribunal

Issue: Mr. Simpson's timely Federal Rule of Civil Procedure 60(b) motion presented emerging evidence of a collusive Joint Defense Agreement, and the Oak-Chassen collusion has been confirmed by Mr. Chassen's submission of a falsified

business record to the Supreme Court, which was made by Oak’s counsel approximately six months beforehand for that very purpose. Beyond acts of wrongdoing by the party-litigants themselves, namely Oak and Mr. Chassen, the record indicates that their counsel engaged in coordinated misconduct affecting the integrity of prior proceedings. The District Court denied the motion without findings or a hearing, characterizing it as frivolous. Appellant asserts that this disposition disregarded sworn factual proffers and violated procedural due process.

Standard of Review: The denial of a Rule 60(b) motion is reviewed for abuse of discretion, while the underlying questions of law are reviewed de novo.

4. Whether the Court Erred in Denying Reconsideration Pending the Related Bankruptcy Proceeding and Appeal

Issue: Mr. Simpson sought a short stay pending resolution of the related bankruptcy appeal. *In re JJ Arch LLC*, Case #24-08649 (S.D.N.Y. Nov. 14, 2024) (the “Bankruptcy Proceeding”), on appeal from Case #24-10381 (Bankr. S.D.N.Y. Mar. 7, 2024). The Bankruptcy Proceeding, in which Appellant Simpson in this appeal recently submitted an Federal Rule of Bankruptcy Procedure 8008 (ECF Dkt. #237, requesting an indicative ruling regarding relief from dismissal, based on newly discovered evidence of fraud, in addition to conflicts and lack of standing), and its appeal before the Honorable Jeannette A. Vargas, U.S.D.J., directly bear on ownership, standing, and the integrity of the proceedings. The Court denied the request as frivolous. Appellant contends this was an abuse of discretion given the

risk of inconsistent determinations, potential mootness, and deeply unsettling allegations of professional misconduct.

Standard of Review: Such denials are reviewed for abuse of discretion.

5. Whether the Combined Effect of the Orders Deprived Appellant of Due Process and the Opportunity to Be Heard

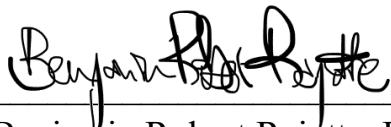
Summary of Issue: Taken together, the remand, sanctions, injunction, and summary denials of a stay pending resolution of the Bankruptcy Proceeding, and its pending appeal before the Southern District, precluded Mr. Simpson from presenting evidence of Oak's and Mr. Chassen's collusion in defending against having to pay their legal fees. The cumulative effect of these events denied Mr. Simpson procedural due process and warrants vacatur of the fee award.

Standard of Review: Issues of due process are reviewed de novo.

Respectfully submitted,

Dated: October 15, 2025
Hartford County, Connecticut

MAIDEN LANE LAW GROUP



Benjamin Robert Rajotte, Esq.
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Attorneys for Jeffrey Simpson

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JEFFREY SIMPSON,

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Defendants.

Case #25-2388

Appeal from
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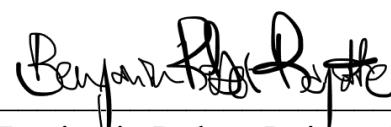
VERIFICATION

I, Benjamin Robert Rajotte, Esq., pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that this submission is true and correct to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, including with respect to all facts presented through this filing.

Respectfully submitted,

Dated: October 15, 2025
Hartford County, Connecticut

MAIDEN LANE LAW GROUP



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One Maiden Lane, Suite 900
New York, New York 10038
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NOTICE OF APPEAL AND DOCKET SHEET

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY SIMPSON,
Plaintiff,
- v -
JARED CHASSEN et al.,
Defendants.

Case #25-04004 (JMF)
Before the Honorable
Jesse M. Furman, U.S.D.J.

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiff JEFFREY SIMPSON respectfully appeals to the United States Court of Appeals for the Second Circuit from:

1. The Order entered on August 29, 2025 (ECF Dkt. #45), denying Plaintiff's motion under Rule 60(b) of the Federal Rules of Civil Procedure (ECF Dkt. #44) as frivolous and directing its termination; and
2. Judgment entered on July 31, 2025 (ECF Dkt. #43), upon the Court's Memorandum Opinion and Order, dated July 30, 2025 (ECF Dkt. #42), awarding Defendant JARED CHASSEN attorneys' fees and costs in the amount of \$27,271.62.

Respectfully submitted,

Dated: September 29, 2025
Hartford County, Connecticut

MAIDEN LANE LAW GROUP



Benjamin Robert Rajotte, Esq.
One Maiden Lane, Suite 900
New York, New York 10038
(212) 463-6669
rajb@mllg.nyc

Attorneys for Jeffrey Simpson and JJ Arch LLC

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:25-cv-04004-JMF**

Simpson v. Chassen et al
Assigned to: Judge Jesse M. Furman
Cause: 28:1331 Fed. Question

Date Filed: 05/09/2025
Date Terminated: 06/02/2025
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Jeffrey Simpson
*as managing member of JJC Arch LLC and
privately as managing member of Arch Real
Estate Holdings LLC and JJC Arch LLC*

represented by **Benjamin Robert Rajotte**
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1 Maiden Lane
Suite 900
New York, NY 10038
212-463-6669
Email: rajb@mllg.nyc
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Jared Chassen

represented by **Allen Schwartz**
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150 Broadway
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Email: allen@allenschwartzlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

First Republic Bank

Defendant

608941 NJ INC.

Defendant

Arch Real Estate Holdings LLC

represented by **Jonathan T. Koevary**
Olshan Frome Wolosky LLP
1325 Avenue of the Americas
New York, NY 10019
(212) 451-2300
Fax: (212) 451-2222
Email: jkoevary@olshanlaw.com
ATTORNEY TO BE NOTICED

Receiver

Eric M. Huebscher, Receiver

Date Filed	#	Docket Text
05/09/2025	1	NOTICE OF REMOVAL. Document filed by Jeffrey Simpson. (sac) (Additional attachment(s) added on 5/14/2025: # 1 Exhibit Letter addressed to Judge Cohen, # 2 Exhibit 24-cv-8649 Order, # 3 Exhibit Email to: Darren A. Pscarella, # 4 Exhibit Email to: Darren A. Pascarella) (sac). (Entered: 05/14/2025)
05/09/2025		Case Designated ECF. (sac) (Entered: 05/14/2025)
05/14/2025		CASE MANAGEMENT NOTE: For each electronic filing made in a case involving a self-represented party who has not consented to electronic service, the filing party must serve the document on such self-represented party in a manner permitted by Fed. R. Civ. P. 5(b) (2) (other than through the ECF system) and file proof of service for each document so served. Please see Rule 9.2 of the courts ECF Rules & Instructions for further information. (sac) (Entered: 05/14/2025)
05/14/2025	2	STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127 Standing Order filed March 18, 2024). To ensure that all cases heard in the Southern District of New York are handled promptly and efficiently, all parties must keep the court apprised of any new contact information. It is a party's obligation to provide an address for service; service of court orders cannot be accomplished if a party does not update the court when a change of address occurs. Accordingly, all self-represented litigants are hereby ORDERED to inform the court of each change in their address or electronic contact information. Parties may consent to electronic service to receive notifications of court filings by email, rather than relying on regular mail delivery. Parties may also ask the court for permission to file documents electronically . Forms, including instructions for consenting to electronic service and requesting permission to file documents electronically, may be found by clicking on the hyperlinks in this order, or by accessing the forms on the courts website, nysd.uscourts.gov/forms. The procedures that follow apply only to cases filed by pro se plaintiffs. If the court receives notice from the United States Postal Service that an order has been returned to the court, or otherwise receives information that the address of record for a self-represented plaintiff is no longer valid, the court may issue an Order to Show Cause why the case should not be dismissed without prejudice for failure to comply with this order. Such order will be sent to the plaintiffs last known address and will also be viewable on the court's electronic docket. A notice directing the parties' attention to this order shall be docketed (and mailed to any self-represented party that has appeared and has not consented to electronic service) upon the opening of each case or miscellaneous matter that is classified as pro se in the court's records. (Signed by Judge Laura Taylor Swain on 3/18/2024) (sac) (Entered: 05/14/2025)
05/15/2025		MAILING RECEIPT: Document No: 2. Mailed to: Jeffrey Simpson 1055 Park Avenue New York, NY 10028. (mjy) (Entered: 05/15/2025)
05/15/2025		NOTICE OF CASE REASSIGNMENT - SUA SPONTE to Judge Laura Taylor Swain. Judge Unassigned is no longer assigned to the case. (tro) (Entered: 05/15/2025)
05/16/2025	3	ORDER DIRECTING PAYMENT OF FEE OR IFP APPLICATION: Plaintiff is directed to render payment of the filing fee or submit an IFP application to this Court's <i>Pro Se</i> Office within thirty (30) days of the date of this Order. The Clerk of Court is directed to assign this matter to my docket. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore <i>in forma pauperis</i> status is denied for the purpose of an appeal. See Coppedge v. United States , 369

		U.S. 438, 444-45 (1962). Filing Fee due by 6/16/2025. In Forma Pauperis (IFP) Application due by 6/16/2025. (Signed by Judge Laura Taylor Swain on 5/16/2025) (nb) (Entered: 05/16/2025)
05/16/2025	4	LETTER addressed to Judge Laura Taylor Swain from Jeffrey Simpson dated 5/15/2025 re: The notice of removal to Federal Court, from the New York State Supreme Court, Commercial Division case of Simpson et al. v. Chassen et al., Docket #158055/2023, was posted this morning on ECF, 1:25-cv-04004-UA (formerly categorized as 1:25-cv-02372). Document filed Jeffrey Simpson. (jjc) (Entered: 05/19/2025)
05/19/2025		MAILING RECEIPT: Document No: 3. Mailed to: Jeffrey Simpson 1055 Park Avenue New York, NY 10028. (kma) (Entered: 05/19/2025)
05/26/2025	5	NOTICE OF APPEARANCE by Allen Schwartz on behalf of Jared Chassen..(Schwartz, Allen) (Entered: 05/26/2025)
05/27/2025	6	EMERGENCY MOTION for Temporary Restraining Order ., MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court.</i> , MOTION to Remand to State Court ., MOTION for Attorney Fees ., MOTION for Sanctions ., MOTION to Expedite <i>Remand and Contempt Motions.</i> Document filed by Jared Chassen..(Schwartz, Allen) (Refer to ECF Rule 13.19(b) and (c) for directions regarding promptly alerting the court to this filing.) (Entered: 05/27/2025)
05/27/2025	7	MEMORANDUM OF LAW in Support re: 6 EMERGENCY MOTION for Temporary Restraining Order . MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court.</i> MOTION to Remand to State Court . MOTION for Attorney Fees . MOTION for Sanctions . MOTION to Expedite <i>Remand and Contempt Motions.</i> . Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 05/27/2025)
05/27/2025	8	DECLARATION of Allen Schwartz in Support re: 6 EMERGENCY MOTION for Temporary Restraining Order . MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court.</i> MOTION to Remand to State Court . MOTION for Attorney Fees . MOTION for Sanctions . MOTION to Expedite <i>Remand and Contempt Motions.</i> .. Document filed by Jared Chassen. (Attachments: # 1 Exhibit March 11, 2025 Receiver Order, # 2 Exhibit March 3, 2025 Post-Hearing Letter, # 3 Exhibit Chassen Direct Testimony Affirmation, # 4 Exhibit April 24, 2025 Remand Order, # 5 Exhibit March 25, 2025 Order, # 6 Exhibit Receiver's Affirmation, # 7 Exhibit Receiver's Supplemental Affirmation, # 8 Exhibit Rajotte Notice of Appearance, # 9 Exhibit Opposition to Receiver's Motion to Enforce, # 10 Exhibit May 13, 2025 Decision and Order and May 12 OrderOrder Compelling Jeffrey Simpson to Comply with the Receivership Order and Directing Sheriff to Enforce Receivership Order, # 11 Exhibit May 14, 2025 Rajotte So-Ordered Letter, # 12 Exhibit Receiver's Status Report, # 13 Exhibit Simpson May 15, 2025 Notice of Removal, # 14 Exhibit May 23, 2025 Court Notice, # 15 Exhibit Rajotte Email Chain, # 16 Exhibit Rajotte Simpson Email Chain, # 17 Exhibit May 27, 2025 Letter from Receiver to Justice Cohen).(Schwartz, Allen) (Entered: 05/27/2025)
05/27/2025	9	DECLARATION of Jared Chassen in Support re: 6 EMERGENCY MOTION for Temporary Restraining Order . MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court.</i> MOTION to Remand to State Court . MOTION for Attorney Fees . MOTION for Sanctions . MOTION to Expedite <i>Remand and Contempt Motions.</i> .. Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 05/27/2025)

05/27/2025	10	PROPOSED ORDER. Document filed by Jared Chassen. Related Document Number: [Document No. 6]..(Schwartz, Allen) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 05/27/2025)
05/27/2025	11	AFFIDAVIT OF SERVICE of Emergency Motion served on Jeffrey Simpson and Benjamin Rajotte on May 27, 2025. Service was made by Mail. Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 05/27/2025)
05/27/2025		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 10 Proposed Order was reviewed and approved as to form. (nd) (Entered: 05/27/2025)
05/27/2025	12	DECLARATION of Allen Schwartz in Support re: 6 EMERGENCY MOTION for Temporary Restraining Order . MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court.</i> MOTION to Remand to State Court . MOTION for Attorney Fees . MOTION for Sanctions . MOTION to Expedite <i>Remand and Contempt Motions.</i> .. Document filed by Jared Chassen. (Attachments: # 1 Exhibit Corrected Exhibit 1 to Declaration of Allen Schwartz at ECF No. 8 (March 11, 2025 Order Appointing Temporary Receiver)). (Schwartz, Allen) (Entered: 05/27/2025)
05/27/2025	13	AFFIDAVIT OF SERVICE of Supplemental Affirmation attaching Corrected Exhibit served on Jeffrey Simpson and Benajmin Rajotte on May 27, 2025. Service was made by Mail. Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 05/27/2025)
05/27/2025	14	JOINDER to join re: 10 Proposed Order, 7 Memorandum of Law in Support of Motion, 8 Declaration in Support of Motion,,, 6 EMERGENCY MOTION for Temporary Restraining Order . MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court.</i> MOTION to Remand to State Court . MOTION for Attorney Fees . MOTION for Sanctions . MOTION to Expedite <i>Remand and Contempt Motions.</i> , 9 Declaration in Support of Motion, . Document filed by Eric M. Huebscher, Receiver. (Attachments: # 1 Exhibit Declaration of Martin Bunin, Esq., # 2 Exhibit A - Receivership Order, dated 2025.03.11, # 3 Exhibit B - Status Report, dated 2025.05.23, # 4 Exhibit C - Letter to Hon. Joel M. Cohen, dated 2025.05.27 with Exhibit).(Bunin, Martin) (Entered: 05/27/2025)
05/28/2025	15	LETTER addressed to Judge Laura Taylor Swain from Allen Schwartz dated May 28, 2025 re: Emergency Motion. Document filed by Jared Chassen. (Attachments: # 1 Exhibit May 12, 2025 Hearing Transcript before the Honorable Justice Joel M. Cohen).(Schwartz, Allen) (Entered: 05/28/2025)
05/28/2025	16	AFFIDAVIT OF SERVICE of Joinder of Eric Huebscher, Declaration of Martin Bunin, Esq. and Supporting Exhibits served on Plaintiff and All Counsel of Record on 05/28/2025. Document filed by Eric M. Huebscher, Receiver..(Bunin, Martin) (Entered: 05/28/2025)
05/28/2025	17	AFFIDAVIT OF SERVICE of Joinder of Eric Huebscher, Declaration of Martin Bunin, Esq. and Supporting Exhibits served on Jeffrey Simpson on 05/28/2025. Service was made by Mail. Document filed by Eric M. Huebscher, Receiver..(Bunin, Martin) (Entered: 05/28/2025)
05/28/2025	18	AFFIDAVIT OF SERVICE of Letter to Judge Swain Regarding Emergency Motion served on Jeffrey Simpson and Benjamin Rajotte on May 28, 2025. Service was made by Mail. Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 05/28/2025)
05/29/2025		Pro Se Payment of Fee Processed: \$405.00 Cash processed by the Finance Department on 05/29/2025, Receipt Number 40293. (sr) (Entered: 05/29/2025)
05/29/2025	19	EMERGENCY LETTER addressed to Judge Laura Taylor Swain from Allen Schwartz dated May 29, 2025 re: Emergency Motion. Document filed by Jared Chassen..(Schwartz,

		Allen) (Entered: 05/29/2025)
05/29/2025	20	AFFIDAVIT OF SERVICE of Emergency Letter regarding Emergency Motion served on Jeffrey Simpson and Benjamin Rajotte on May 29, 2025. Service was made by Mail. Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 05/29/2025)
05/29/2025		NOTICE OF CASE REASSIGNMENT to Judge Jesse M. Furman. Judge Laura Taylor Swain is no longer assigned to the case. (vba) (Entered: 05/29/2025)
05/29/2025		Magistrate Judge Gary Stein is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (vba) (Entered: 05/29/2025)
05/29/2025	21	MEMORANDUM OPINION AND ORDER re: 6 EMERGENCY MOTION for Temporary Restraining Order . MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court</i> . MOTION to Remand to State Court . MOTION for Attorney Fees . MOTION for Sanctions . MOTION to Expedite <i>Remand and Contempt Motions</i> filed by Jared Chassen. Accordingly, this action must be and is remanded to the New York State Supreme Court, New York County. To the extent that Defendant seeks relief relating to orders entered by the state court, those requests are denied without prejudice to renewal before the state court. To the extent that Defendant seeks sanctions and/or fees and costs in connection with Plaintiff's improper removal (including an injunction barring Plaintiff from further removals), the Court retains jurisdiction and reserves judgment. Plaintiff shall file any opposition to those portions of Defendants' motion no later than June 12, 2025; Defendants shall file any reply by June 26, 2025. The Clerk of Court is directed to terminate ECF No. 6, remand this action to the New York State Supreme Court, New York Country, and mail a copy of this Order to Plaintiff. SO ORDERED. (Signed by Judge Jesse M. Furman on 5/29/2025) (vfr) Transmission to Docket Assistant Clerk for processing. (Entered: 05/29/2025)
05/29/2025		Set/Reset Deadlines: Responses due by 6/12/2025 Replies due by 6/26/2025. (vfr) (Entered: 05/29/2025)
05/30/2025		MAILING RECEIPT: Document No: 21. Mailed to: Jeffrey Simpson 1055 Park Avenue New York, NY 10028. (tro) (Entered: 05/30/2025)
06/02/2025		Mailed a copy of 21 Memorandum & Opinion, to Jeffrey Simpson at 1055 Park Avenue New York, NY 10028. (aqd) (Entered: 06/02/2025)
06/02/2025		CASE REMANDED OUT from the U.S.D.C. Southern District of New York to the State Court - Supreme Court of the State of New York, County of New York. Sent certified copy of docket entries and remand order. Mailed via UPS Tracking Number 1Z E22 E53 02 1005 367 8 on 6/2/2025. (vfr) (Entered: 06/03/2025)
06/04/2025	22	NOTICE OF APPEARANCE by Jonathan T. Koevary on behalf of Arch Real Estate Holdings LLC..(Koevary, Jonathan) (Entered: 06/04/2025)
06/04/2025	23	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Arch Real Estate Holdings LLC..(Koevary, Jonathan) (Entered: 06/04/2025)
06/04/2025	24	JOINDER to join re: 6 EMERGENCY MOTION for Temporary Restraining Order . MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court</i> . MOTION to Remand to State Court . MOTION for Attorney Fees . MOTION for Sanctions . MOTION to Expedite <i>Remand and Contempt Motions</i> . JOINDER OF ARCH REAL ESTATE

		<i>HOLDINGS LLC TO JARED CHASSENS MOTION FOR COSTS AND ATTORNEYS FEES, SANCTONS, CIVIL CONTEMPT, AND IMMEDIATE INJUNCTIVE RELEF ENFORCING COURT ORDERS.</i> Document filed by Arch Real Estate Holdings LLC..(Koevary, Jonathan) (Entered: 06/04/2025)
06/04/2025	<u>25</u>	AFFIDAVIT OF SERVICE of JOINDER OF ARCH REAL ESTATE HOLDINGS LLC TO JARED CHASSENS MOTION (Document No. 6) served on Jeffrey Simpson/Benjamin Rajotte, Esq. on 06/04/2025. Service was made by MAIL. Document filed by Arch Real Estate Holdings LLC..(Koevary, Jonathan) (Entered: 06/04/2025)
06/05/2025	<u>26</u>	CERTIFICATE OF SERVICE of JOINDER OF ARCH REAL ESTATE HOLDINGS LLC TO JARED CHASSENS MOTION FOR COSTS AND ATTORNEYS FEES, SANCTONS, CIVIL CONTEMPT, AND IMMEDIATE INJUNCTIVE RELEF ENFORCING COURT ORDERS (Document No. 24) served on Jeffrey Simpson/Benjamin Rajotte, Esq.. Service was made by MAIL. Document filed by Arch Real Estate Holdings LLC. (Attachments: # <u>1</u> Exhibit A (Redline)).(Koevary, Jonathan) (Entered: 06/05/2025)
06/13/2025	<u>27</u>	LETTER addressed to Judge Jeannette A. Vargas from Jeffrey Simpson dated 6/13/2025 re: Emergency Action Relief Request. (jjc) (Entered: 06/16/2025)
06/17/2025	<u>28</u>	MEMO ENDORSEMENT on re: (29 in 1:25-cv-02375-MKV, 30 in 1:25-cv-02373-JHR-HJR, 43 in 1:24-cv-08649-JAV, 32 in 1:23-cv-08966-ALC, 41 in 1:25-cv-02372-LTS, 27 in 1:25-cv-04004-JMF) Letter Emergency Action Relief Request. ENDORSEMENT: The case assigned to the undersigned, No. 25-CV-4004, was previously remanded to the New York State Supreme Court, New York County, see ECF No. 21, and is therefore no longer open here. Accordingly, the request is denied as frivolous. The Clerk of Court is directed to mail a copy of this endorsed letter to Plaintiff. SO ORDERED. (Signed by Judge Jesse M. Furman on 6/17/25) (yv) (Entered: 06/17/2025)
06/18/2025		MAILING RECEIPT: Document No: 28. Mailed to: Jeffrey Simpson 1055 Park Avenue New York, NY 10028. (kma) (Entered: 06/18/2025)
06/20/2025	<u>29</u>	LETTER addressed to Judge Jesse M. Furman from Allen Schwartz dated June 20, 2025 re: Unopposed Motion for Sanctions, Attorney's Fees and Injunction Enjoining Further Removals. Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 06/20/2025)
06/20/2025	<u>30</u>	AFFIDAVIT OF SERVICE of Letter served on Jeffrey Simpson on June 20, 2025. Service was made by Mail. Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 06/20/2025)
06/27/2025	<u>31</u>	MEMORANDUM OPINION AND ORDER. In sum, the Court GRANTS Chassen's requests for attorney's fees and an anti-filing injunction as to this case but DENIES his request for a contempt order without prejudice for renewal in the state court. More specifically, before removing this lawsuit to federal court again, Simpson must first seek and obtain leave from the Court. Additionally, no later than two weeks from the date of this Memorandum Opinion and Order, Chassen shall submit an accounting of his relevant attorney's fees and costs, supported by contemporaneous billing records and other appropriate documentation. Simpson shall file any response no later than one week thereafter. No reply may be filed absent leave of Court. The Court finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of Court is directed to mail a copy of this Memorandum Opinion and Order to Simpson. SO ORDERED. (Signed by Judge Jesse M. Furman on 6/27/25) (yv) (Entered: 06/27/2025)
06/30/2025		MAILING RECEIPT: Document No: 31. Mailed to: Jeffrey Simpson 1055 Park Avenue New York, NY 10028. (mjy) (Entered: 06/30/2025)

07/10/2025	32	DECLARATION of Allen Schwartz in Support re: 31 Memorandum & Opinion,,,,. Document filed by Jared Chassen. (Attachments: # 1 Exhibit Invoice, # 2 Exhibit Invoice). (Schwartz, Allen) (Entered: 07/10/2025)
07/10/2025	33	AFFIDAVIT OF SERVICE of Declaration of Allen Schwartz in Support of Fee Award at ECF 30 served on Jeffrey Simpson on July 10, 2025. Service was made by MAIL. Document filed by Jared Chassen..(Schwartz, Allen) (Entered: 07/10/2025)
07/17/2025	34	LETTER addressed to Judge Jesse M. Furman from Jeffrey Simpson dated 7/17/2025 re: Request for Appeal. Document filed by Jeffrey Simpson.(sgz) (Entered: 07/18/2025)
07/17/2025	35	LETTER addressed to Judge Cohen from Jeffrey Simpson dated 7/17/2025 re:I am writing regarding NYS Supreme Court cases 158055-2023 (main case), 653208-2024 (insurance), 654928-2024 (Chassen v. Simpson per JJ Investment Entities), and all related and derivative matters currently before you. Document filed by Jeffrey Simpson.(sgz) (Entered: 07/18/2025)
07/21/2025	36	MEMO ENDORSEMENT on re: 34 Letter Request for Appeal filed by Jeffrey Simpson. ENDORSEMENT: Application DENIED as frivolous. The Court's remand order is almost certainly not appealable, see 28 U.S.C. § 1447(d), and, if it was appealable, almost certainly too late to appeal, see Fed. R. App. P. 4(a)(1). And the Court has not yet entered a final order with respect to the award of fees to Defendant. As a courtesy, Plaintiff is granted an extension of time until July 28, 2025, to file any opposition to Defendant's fee request. See ECF Nos. 31-32. The Clerk of Court is directed to mail a copy of this endorsed letter to Plaintiff. SO ORDERED. (Signed by Judge Jesse M. Furman on 7/21/25) (yv) (Entered: 07/21/2025)
07/22/2025		MAILING RECEIPT: Document No: 36. Mailed to: Jeffrey Simpson 1055 Park Avenue New York, NY 10028. (nb) (Entered: 07/22/2025)
07/25/2025	37	NOTICE OF APPEARANCE by Benjamin Robert Rajotte on behalf of Jeffrey Simpson..(Rajotte, Benjamin Robert) (Entered: 07/25/2025)
07/25/2025	38	FIRST MOTION to Alter Judgment re: 31 Memorandum & Opinion,,, , ECF Doc. #31., FIRST MOTION to Amend/Correct 31 Memorandum & Opinion,,, , ECF Doc. #31., FIRST MOTION for Reconsideration ECF Doc. #31. Document filed by Jeffrey Simpson..(Rajotte, Benjamin Robert) (Entered: 07/25/2025)
07/25/2025	39	MOTION to Alter Judgment re: 31 Memorandum & Opinion,,, , ECF Doc. #31., MOTION to Amend/Correct ECF Doc. #31., MOTION for Reconsideration ECF Doc. #31. Document filed by Jeffrey Simpson..(Rajotte, Benjamin Robert) (Entered: 07/25/2025)
07/28/2025	40	ORDER denying 38 Motion to Alter Judgment ; denying 38 Motion to Amend/Correct ; denying 38 Motion for Reconsideration ; denying 39 Motion to Alter Judgment ; denying 39 Motion to Amend/Correct ; denying 39 Motion for Reconsideration. As Plaintiff presents no valid grounds for reconsideration, the motion is DENIED. See, e.g., Analytical Survs., Inc. v. Tonga Partners, L.P., 684 F.3d 36, 52 (2d Cir.2012) ("It is well-settled that [a motion for reconsideration] is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple. Rather, the standard for granting a... motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." (cleaned up)). In the alternative, Plaintiff seeks a stay of briefing on the proper amount of attorneys fees and costs, pending a decision in a separate bankruptcy appeal. See ECF No. 39, at 3. That bankruptcy proceeding, however, has no bearing on Chassen's request for costs and attorney's fees in this case. Plaintiff's request is accordingly DENIED. The Clerk of Court is directed to

		terminate ECF Nos. 38 and 39. SO ORDERED. (Signed by Judge Jesse M. Furman on 7/28/25) (yv) (Entered: 07/28/2025)
07/29/2025	41	DECLARATION of Benjamin Rajotte in Opposition re: 6 EMERGENCY MOTION for Temporary Restraining Order . MOTION to Compel Jeffrey Simpson to Comply with State Court's Receiver Orders <i>and Holding him and his Counsel Benjamin Rajotte in Contempt of Court</i> . MOTION to Remand to State Court . MOTION for Attorney Fees . MOTION for Sanctions . MOTION to Expedite <i>Remand and Contempt Motions..</i> Document filed by Jeffrey Simpson..(Rajotte, Benjamin Robert) (Entered: 07/29/2025)
07/30/2025	42	MEMORANDUM OPINION AND ORDER. The Court will reduce Chassen's claimed attorneys' fees by \$33,354 - the total attributable to counsels work on the prior action, Schwartz Decl. ¶ 3 - resulting in a fee award of \$27,081, id. ¶ 4. The Court awards costs of \$190.62. See id.; see, e.g., LeBlanc-Sternberg v. Fletcher, 143 F.3d 748, 763 (2d Cir. 1998) ("[A]ttorney's fees awards include those reasonable out-of-pocket expenses incurred by attorneys and ordinarily charged to their clients." (internal quotation marks omitted)). For these reasons, Chassen is awarded attorneys' fees and costs in the amount of \$27,271.62. Furthermore, the Court sees no reason to delay enforcement of the award. See, e.g., Keitel v. DAgostino, Sr., No. 21-CV-8537 (JMF), 2025 WL 1785867, at *2 (S.D.N.Y. June 27, 2025) (stating that "[c]ourts in this Circuit have regularly... allowed the immediate enforcement of [] judgments" for attorneys' fees and costs); Stingray Music USA, Inc. v. uCast LLC, No. 19-CV-7473 (AKH), 2020 WL 2489069, at *2 (S.D.N.Y. May 14, 2020) (ordering, sua sponte, that award of attorneys' fees be "subject immediately to execution"); see also, e.g., Li Rong Gao v. Perfect Team Corp., No. 10-CV-1637 (ENV) (CLP), 2014 WL 2465589, at *5 (E.D.N.Y. May 30, 2014) (observing that the defendants had "not presented any legal authority... indicating that the Court lacks authority to compel defendant[] to comply immediately" with a fee award). Accordingly, the Clerk of Court is directed to enter judgment in favor of Defendant Jared Chassen for \$27,271.62 in attorneys' fees and costs. SO ORDERED. (Signed by Judge Jesse M. Furman on 7/30/25) (yv) Transmission to Orders and Judgments Clerk for processing. (Entered: 07/30/2025)
07/31/2025	43	CLERK'S JUDGMENT on Attorney's Fees and Costs. Fees in favor of Jared Chassen against Jeffrey Simpson in the amount of \$ 27,271.62. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Opinion and Order dated July 30, 2025, Defendant Jared Chassen is awarded attorney's fees in the amount of \$27,081 and costs in the amount of \$190.62 for a total sum of \$27,271.62. (Signed by Clerk of Court Tammi M Hellwig on 7/31/2025) (Attachments: # 1 Notice of right to appeal) (nd) (Entered: 07/31/2025)
08/28/2025	44	MOTION Stay of Decision ., MOTION to Vacate . Document filed by Jeffrey Simpson..(Rajotte, Benjamin Robert) (Entered: 08/28/2025)
08/29/2025	45	ORDER denying 44 Motion ; denying 44 Motion to Vacate. Application DENIED as frivolous. The Clerk of Court is directed to terminate ECF No. 44. SO ORDERED. (Signed by Judge Jesse M. Furman on 8/29/2025) (jjc) (Entered: 08/29/2025)
09/29/2025	46	NOTICE OF APPEAL from 42 Memorandum & Opinion,,,,,, 45 Order on Motion for Miscellaneous Relief, Order on Motion to Vacate, 43 Judgment on Attorney Fees,,, Document filed by Jeffrey Simpson. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Rajotte, Benjamin Robert) (Entered: 09/29/2025)
09/30/2025		Appeal Fee Due: for 46 Notice of Appeal,\$605.00 Appeal fee due by 10/14/2025..(nd) (Entered: 09/30/2025)
09/30/2025		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 46 Notice of Appeal,..(nd) (Entered: 09/30/2025)

09/30/2025	Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 46 Notice of Appeal, filed by Jeffrey Simpson were transmitted to the U.S. Court of Appeals..(nd) (Entered: 09/30/2025)
10/14/2025	Appeal Fee Payment: for 46 Notice of Appeal., Filing fee \$ 605.00, receipt number ANYSDC-31846183..(Rajotte, Benjamin Robert) (Entered: 10/14/2025)

PACER Service Center			
Transaction Receipt			
10/15/2025 18:09:24			
PACER Login:	rajottelawgroup	Client Code:	
Description:	Docket Report	Search Criteria:	1:25-cv-04004-JMF
Billable Pages:	8	Cost:	0.80

**RELEVANT OPINIONS AND ORDERS
FORMING THE BASIS FOR THIS APPEAL**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X
	:
JEFFREY SIMPSON,	:
	:
Plaintiff,	:
	:
-v-	25-CV-4004 (JMF)
	:
JARED CHASSEN,	<u>MEMORANDUM OPINION</u> <u>AND ORDER</u>
	:
Defendant.	:
	:
	X

JESSE M. FURMAN, United States District Judge:

Plaintiff Jeffrey Simpson, proceeding without counsel, filed a notice of removal removing this case from the New York State Supreme Court, County of New York. *See ECF No. 1 (“Notice of Removal”).* Defendant now moves for, among other relief, expedited remand of the case to state court. *See ECF No. 6.* The request for expedited remand is GRANTED.

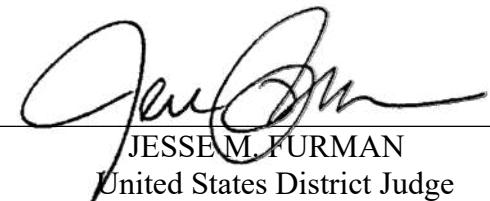
Removal of this case was improper and remand is required for a straightforward reason: Simpson is the plaintiff in the state-court action, and only a defendant may remove an action to federal court. *See 28 U.S.C. §§ 1441(a), 1446(a); Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 105 (1941). “Quite simply, a party who is in the position of a plaintiff cannot remove.” *Yonkers Racing Corp. v. City of Yonkers*, 858 F.2d 855, 863 (2d Cir. 1988). Simpson suggests that the assertion of counterclaims against him in state court places him in the position of a defendant who may remove a case to federal court, *see Notice of Removal 1*, but a plaintiff may not remove “even when [he is] in the position of [a] defendant[] with regard to a counterclaim asserted against [him].” *Yun Fei Xiao v. City of New York*, No. 09-CV-8599 (BSJ) (KNF), 2010 WL 286684, at *1 (S.D.N.Y. Jan. 25, 2010). Accordingly, this action must be and is remanded to the New York State Supreme Court, New York County.

To the extent that Defendant seeks relief relating to orders entered by the state court, those requests are denied without prejudice to renewal before the state court. To the extent that Defendant seeks sanctions and/or fees and costs in connection with Plaintiff's improper removal (including an injunction barring Plaintiff from further removals), the Court retains jurisdiction and reserves judgment. Plaintiff shall file any opposition to those portions of Defendants' motion no later than **June 12, 2025**; Defendants shall file any reply by **June 26, 2025**.

The Clerk of Court is directed to terminate ECF No. 6, remand this action to the New York State Supreme Court, New York County, and mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: May 29, 2025
New York, New York



JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
JEFFREY SIMPSON,	:
	:
Plaintiff,	:
	:
-v-	25-CV-4004 (JMF)
JARED CHASSEN et al.,	:
	<u>MEMORANDUM OPINION</u>
Defendants.	<u>AND ORDER</u>
	:
	X-----

JESSE M. FURMAN, United States District Judge:

Plaintiff Jeffrey Simpson, proceeding without counsel, removed this case from New York State Supreme Court. *See* ECF No. 1 (“Notice of Removal”). By Memorandum Opinion and Order entered May 29, 2025, the Court granted Defendant Jared Chassen’s request for expedited remand of this case “for a straightforward reason: Simpson is the plaintiff in the state-court action, and only a defendant may remove an action to federal court.” ECF No. 21 (“Remand Order”), at 1. The Court reserved judgment on Chassen’s request for sanctions and/or fees and costs in connection with the improper removal pending further briefing. Simpson did not file any opposition to that request, which the Court now GRANTS in part and DENIES in part.

First, the Court grants Chassen’s request for costs and attorney’s fees. *See* ECF No. 7 (“Def.’s Mem.”), at 21-23. It is well established that courts may award attorney’s fees under 28 U.S.C. § 1447(c) “where the removing party lacked an objectively reasonable basis for seeking removal.” *Martin v. Franklin Cap. Corp.*, 546 U.S. 132, 141 (2005). That is the case here, as the law could not be clearer: “Quite simply, a party who is in the position of a plaintiff cannot remove.” *Yonkers Racing Corp. v. City of Yonkers*, 858 F.2d 855, 863 (2d Cir. 1988). As the Court noted in its Remand Order, Simpson’s suggestion that counterclaims asserted against him

in state court placed him in the position of a defendant who may remove the case to federal court had no merit. *See Remand Order 1* (citing *Yun Fei Xiao v. City of New York*, No. 09-CV-8599 (BSJ) (KNF), 2010 WL 286684, at *1 (S.D.N.Y. Jan. 25, 2010)). Simpson thus lacked an objectively reasonable basis for seeking removal.

Second, the Court enjoins Simpson from future removal of this case to federal court without this Court’s prior permission. “A district court not only may but should protect its ability to carry out its constitutional functions against the threat of onerous, multiplicitous, and baseless litigation.” *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986) (internal quotation marks omitted). “In determining whether to restrict a litigant’s future ability to sue, a court must consider whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties.” *Eliahu v. Jewish Agency for Israel*, 919 F.3d 709, 713-14 (2d Cir. 2019) (internal quotation marks omitted). In evaluating whether a litigation bar is appropriate, a court should consider five factors:

- (1) the litigant’s history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant’s motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.

Iwachiw v. N.Y. State Dep’t of Motor Vehicles, 396 F.3d 525, 528 (2d Cir. 2005) (per curiam).

Here, all five factors weigh in favor of enjoining Simpson from further removals in this case. Simpson’s vexatious history of litigation is evidenced by his three baseless attempts to remove this action to federal court. *See* Def.’s Mem. 2-10. Simpson’s record of frivolous removal efforts — coupled with his vexatious conduct in state court — have caused needless expense to the other parties, burdened the federal and state courts involved, and leads the Court to believe that Simpson “used the removal as a vehicle to defy the [state court’s] orders.” *See id.*

at 22. Simpson’s repeated and frivolous efforts to delay state court proceedings also persuade this Court that an anti-filing injunction, compared to other sanctions, is necessary to “dissuade [Simpson] from continuing [his] litigation campaign.” *Eliahu*, 919 F.3d at 716. Finally, although Simpson proceeded before this Court *pro se*, he is represented by counsel in the underlying state court action. *See* Def.’s Mem. 1. Given that Simpson has, “at varied stages in this litigation, . . . received the assistance of counsel,” there is less “basis to afford [him] the latitude usually granted to *pro se* litigants.” *Eliahu*, 919 F.3d at 715. The Court thus agrees that entry of an anti-filing injunction against Simpson is warranted. The injunction’s scope is limited to future removal of *this* action to federal court. To the extent Chassen seeks to enjoin future litigation conduct unrelated to this action, that request is denied.

Third, and finally, the Court denies Chassen’s request for an order finding Simpson and his lawyer in the state court proceedings, Benjamin Rajotte, in contempt of state court orders. The Court’s Remand Order explained that, “[t]o the extent that Defendant seeks relief relating to orders entered by the state court, those requests are denied without prejudice to renewal before the state court.” Remand Order 2. This action has been remanded to state court, where contempt proceedings are already underway. *See* ECF No. 29 (noting that “there is a pending contempt hearing scheduled for Friday, June 27, 2025 in the state court”). Further, Rajotte never appeared before this Court. Under these circumstances, it is far from clear that this Court would have authority to sanction Rajotte or address violations of the state court’s orders. Regardless, the state court is the more appropriate forum in which to litigate any such issues.

In sum, the Court GRANTS Chassen’s requests for attorney’s fees and an anti-filing injunction as to this case but DENIES his request for a contempt order without prejudice for renewal in the state court. More specifically, before removing this lawsuit to federal court again,

Simpson must first seek and obtain leave from the Court. Additionally, no later than **two weeks from the date of this Memorandum Opinion and Order**, Chassen shall submit an accounting of his relevant attorney's fees and costs, supported by contemporaneous billing records and other appropriate documentation. Simpson shall file any response no later than **one week thereafter**.

No reply may be filed absent leave of Court.

The Court finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this Memorandum Opinion and Order to Simpson.

SO ORDERED.

Dated: June 27, 2025
New York, New York



JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
	:
JEFFREY SIMPSON,	:
	:
Plaintiff,	:
	:
-v-	:
	:
JARED CHASSEN et al.,	:
	:
Defendants.	:
	:
	X-----

JESSE M. FURMAN, United States District Judge:

On June 27, 2025, the Court issued a Memorandum Opinion and Order granting in part and denying in part Defendant Jared Chassen's request for sanctions and/or fees and costs. *See* ECF No. 31. On July 25, 2025, Plaintiff submitted a motion for reconsideration of that Order. ECF Nos. 38, 39. As Plaintiff presents no valid grounds for reconsideration, the motion is DENIED. *See, e.g., Analytical Survs., Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012) ("It is well-settled that [a motion for reconsideration] is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple. Rather, the standard for granting a . . . motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." (cleaned up)).

In the alternative, Plaintiff seeks a stay of briefing on the proper amount of attorney's fees and costs, pending a decision in a separate bankruptcy appeal. *See* ECF No. 39, at 3. That bankruptcy proceeding, however, has no bearing on Chassen's request for costs and attorney's fees in this case. Plaintiff's request is accordingly DENIED.

The Clerk of Court is directed to terminate ECF Nos. 38 and 39.

SO ORDERED.

Dated: July 28, 2025
New York, New York



JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
JEFFREY SIMPSON,	:
	:
Plaintiff,	:
	:
-v-	25-CV-4004 (JMF)
JARED CHASSEN et al.,	:
	<u>MEMORANDUM OPINION</u>
Defendants.	<u>AND ORDER</u>
	:
	X-----

JESSE M. FURMAN, United States District Judge:

On June 27, 2025, the Court granted Defendant Jared Chassen’s request for attorney’s fees under 28 U.S.C. § 1447(c); ordered Chassen to submit an accounting of his relevant attorney’s fees and costs, supported by contemporaneous billing records and other appropriate documentation; and invited Plaintiff Jeffrey Simpson to respond. *See* ECF No. 31, at 3-4. Simpson filed his response on July 29, 2025. *See* ECF No. 41.¹

Parties may recover fees for a reasonable number of hours expended in making the motion to remand. *See Naxos Art, Inc. v. Zoullas*, No. 16 Civ. 7269, 2017 WL 2894142, at *2 (S.D.N.Y. July 7, 2017). In the Second Circuit, “the lodestar — the product of a reasonable hourly rate and the reasonable number of hours required by the case — creates a ‘presumptively reasonable fee.’” *Millea v. Metro-North R.R. Co.*, 658 F.3d 154, 166 (2d Cir. 2011) (quoting *Arbor Hill Concerned Citizens Neighborhood Ass’n v. County of Albany*, 522 F.3d 182, 183 (2d

¹ Simpson’s opposition is wholly nonresponsive. Rather than addressing Chassen’s requested fees and costs, Simpson merely restates his disagreement with the Court’s prior finding that his removal in this action was objectively unreasonable. ECF No. 41, at 3; *see* ECF No. 31, at 1-2. The Court, however, has already denied reconsideration of that prior finding. ECF No. 40.

Cir. 2008)). In determining what constitutes a reasonable fee award, the district court “has considerable discretion.” *Ahmed v. City of New York*, No. 17 Civ. 3044 (SHS), 2020 WL 6487521, at *3 (S.D.N.Y. Nov. 4, 2020) (internal quotation marks omitted).

Upon review of Chassen’s filings here, the Court concludes that a reduction of Chassen’s request is warranted. Specifically, although the Court finds that Chassen’s counsel charged a reasonable hourly rate, his request inappropriately includes hours billed in a prior removed action in this District. *See ECF No. 32 (“Schwartz Decl.”)*, ¶ 3; *see, e.g., Lowry v. Edelman*, No. 21-CV-7861 (JMF) (OTW), 2024 WL 1073149, at *10 (S.D.N.Y. Feb. 15, 2024) (finding that “[the plaintiff’s] attorney is clearly not entitled to fees for work done in other proceedings”), *report & recommendation adopted as modified*, 2024 WL 1526176 (S.D.N.Y. Apr. 8, 2024).

Accordingly, the Court will reduce Chassen’s claimed attorneys’ fees by \$33,354 — the total attributable to counsel’s work on the prior action, Schwartz Decl. ¶ 3 — resulting in a fee award of \$27,081, *id.* ¶ 4. The Court awards costs of \$190.62. *See id.; see, e.g., LeBlanc-Sternberg v. Fletcher*, 143 F.3d 748, 763 (2d Cir. 1998) (“[A]ttorney’s fees awards include those reasonable out-of-pocket expenses incurred by attorneys and ordinarily charged to their clients.” (internal quotation marks omitted)).

For these reasons, Chassen is awarded attorneys’ fees and costs in the amount of \$27,271.62. Furthermore, the Court sees no reason to delay enforcement of the award. *See, e.g., Keitel v. D’Agostino, Sr.*, No. 21-CV-8537 (JMF), 2025 WL 1785867, at *2 (S.D.N.Y. June 27, 2025) (stating that “[c]ourts in this Circuit have regularly . . . allowed the immediate enforcement of [] judgments” for attorneys’ fees and costs); *Stingray Music USA, Inc. v. uCast LLC*, No. 19-CV-7473 (AKH), 2020 WL 2489069, at *2 (S.D.N.Y. May 14, 2020) (ordering, *sua sponte*, that award of attorneys’ fees be “subject immediately to execution”); *see also, e.g., Li Rong Gao v.*

Perfect Team Corp., No. 10-CV-1637 (ENV) (CLP), 2014 WL 2465589, at *5 (E.D.N.Y. May 30, 2014) (observing that the defendants had “not presented any legal authority . . . indicating that the Court lacks authority to compel defendant[] to comply immediately” with a fee award).

Accordingly, the Clerk of Court is directed to enter judgment in favor of Defendant Jared Chassen for \$27,271.62 in attorneys’ fees and costs.

SO ORDERED.

Dated: July 30, 2025
New York, New York



JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEFFREY SIMPSON,

Plaintiff,

25 CIVIL 4004 (JMF)

-against-

JARED CHASSEN et al.,

Defendants.

-----X
JUDGMENT
For Attorney's Fees and Costs

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated July 30, 2025, Defendant Jared Chassen is awarded attorney's fees in the amount of \$27,081 and costs in the amount of \$190.62 for a total sum of \$27,271.62.

Dated: New York, New York
July 31, 2025

TAMMI M. HELLWIG

Clerk of Court

BY:

Neshaan Dulal
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY SIMPSON,

Plaintiff,

- v -

JARED CHASSEN et al.,

Defendants.

Case #25-04004 (JMF)

Before the Honorable
Jesse M. Furman, U.S.D.J.

MEMORANDUM OF LAW

By and through undersigned counsel, Plaintiff JEFFREY SIMPSON (“Plaintiff” or “Movant”) respectfully moves for relief from judgment pursuant to Rule 60(b), subparagraphs (2) through (4), of the Federal Rules of Civil Procedure. The motion is timely filed on the twenty-eighth (28th) day of judgment under Federal Rule of Appellate Procedure 4(a)(4)(A)(vi). The basis for this motion is that the judgment is void for lack of jurisdiction for lack of standing, potentially newly discovered evidence, and abuse of process and fraud upon the Courts, as recently briefed in *In re JJ Arch LLC*, Case #24-cv-08649 (S.D.N.Y. Nov. 14, 2024).

Related motions on these fundamental legal grounds will be made before the United States Bankruptcy Court, in *In re JJ Arch LLC*, Case #24-cv-10831 (Bankr. S.D.N.Y. Mar. 7, 2024) under Federal Rules of Bankruptcy Procedure 8008 (indicative ruling) and 9024 (incorporating Rule 60(b)). Notice of these proceedings will be filed with the United States District Court in the pending bankruptcy appeal, under Federal Rules of Bankruptcy Procedure 8013(a)(3) or 8014(f), which corresponds to Federal Rule of Appellate Procedure 28(j). Movant respectfully requests deferral of a ruling to vacate the judgment and hold this motion in abeyance pending resolution of the Bankruptcy Proceeding and appeal.

Standing requires a concrete injury or a direct interest in the matter at hand, through claim or request for relief in the underlying claim or controversy. A party with no claims to file or answer presumptively lacks standing to seek relief. *In re IBM Arb. Agmt. Litig.*, Case #21-cv-6296, 2021 U.S. Dist. LEXIS 239145 (S.D.N.Y. Dec. 14, 2021), the Court’s Memorandum Opinion and Order denied a motion by the plaintiffs requesting a stay on arbitration. *Id.* at *1. The Opinion provides, “*there is only one Plaintiff* in these cases who has a pending arbitration, and he has not requested a stay of that arbitration. Thus, the relief Plaintiffs seek is only with respect to other parties.” *Id.* at *1 n.1 (emphasis added); *see also id.* at *1 (citing *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Jordan*, Case #17-cv-00049, 17-cv-00199, 2017 U.S. Dist. LEXIS 63749, at *7-8 (D. Del. Apr. 27, 2017)); *Phillips v. First Credit Services*, Case #24-cv-04440, 2024 U.S. Dist. LEXIS 196800, at *4-6 (S.D.N.Y. Oct. 29, 2024) (lack of concrete injury).

Defendant Arch Real Estate Holdings LLC (“AREH”) is fundamentally an operating company. Mr. Simpson initiative the Supreme Court Action, *Simpson v. Chassen*, Index #158055/2023 (N.Y. Sup. Ct. N.Y. County, Comm. Div. Aug. 15., 2023) not in AREH’s name directly, but derivatively as its Managing Member. Pending before the Southern District is Plaintiff’s contention as Appellant that a single foreign adversary, 35 Oak Holdings Ltd. (“Oak”), seized control based on material fabrications and falsehoods against Mr. Simpson as Managing Member, abusing process not only in its own capacity, but subsequently by appointing counsel to AREH, and its acknowledged involvement with Mr. Chassen under the Joint Defense Agreement identified below. As such, AREH lacks prejudice, as it serves only to further a larger matrix of fraud led by 608941 N.J. Inc., through Oak as its Canadian holding company.

Defendant Jared Chassen is implicated in collusion as he and Oak, and their attorneys at the time, are acknowledged parties to a “Common Interest, Joint Prosecution and Joint Defense

Agreement” (“Joint Defense Agreement”). NYSCEF Dkt. #889. The Supreme Court is reviewing the document *in camera* and a determination on its release is pending. NYSCEF Dkt. # 1787. In a recent series of briefing before the Honorable Joel M. Cohen, Oak and Mr. Chassen opposed the Court’s release of the Joint Defense Agreement. Plaintiff’s response provides:

The fact that “the Joint Defense Agreement was prepared and signed by counsel” makes this issue worse for any argument of privilege or protection. The Agreement is not simply signed by counsel, it is “among the Parties’ respective undersigned counsel,” as well as “any advisers acting on their behalf.” That Oak, AREH, and Mr. Chassen are working in lockstep cannot be denied, as each has in their own coordinated way swarmed around Mr. Simpson and his counsel throughout the State and Federal Judiciary. *See Ex. A, Table of Parties and Counsel Common to Index #158055/2023* (partial account of coordinated motion practice). Mr. Chassen’s counsel alone has brought five contempt motions. *Id.* AREH has supported Mr. Simpson being incarcerated for contempt. *Id.* As does Oak’s instant filing. NYSCEF Dkt. #1792 at 1.

....

It is beyond dispute that Oak’s principals serve as AREH’s party representatives. In addition to revealing the existence of the Joint Defense Agreement, Mr. Chassen’s emails additionally show that Oak had direct involvement in recommending legal counsel and advancing the significant costs of their fees. NYSCEF Dkt. #454-55 (emails re: M. Chassen requesting \$250,000 for payment of his legal fees). In this regard, questions remain about whether Oak’s principals are leveraging the Agreement and payment of legal fees as a form of duress against Mr. Chassen, and the nature and extent of Mr. Chassen’s participation and informed consent remains an issue. This includes whether Mr. Simpson’s offer of settlement through mediation on June 6, 2025 was ever communicated to him by counsel of record.

NYSCEF Dkt. #1808-10 (including demonstrative exhibits listing the five contempt motions brought by Mr. Chassen, and active coordination among Oak, AREH, and Mr. Chassen).

Mr. Chassen, furthermore, is co-movant with the temporarily appointed Receiver in the Supreme Court action. The docket is replete with diversionary motion practice, including contempt motions, filed by both Messrs. Chassen and Eric Huebscher, in his capacity as Temporary Receiver over four JJ Arch properties, and associated entities, and both the Receiver and Mr. Chassen have a pending civil and criminal contempt motion against Mr. Simpson. The evidence is clear, furthermore, that Mr. Chassen's counsel coordinated with counsel for AREH as well as Oak in the Supreme Court Action on removal.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests deferral on a ruling to vacate the judgment under Rule 60(b) pending resolution of the Bankruptcy Proceeding and appeal.

Respectfully submitted,

Dated: August 28, 2025
Hartford County, Connecticut

MAIDEN LANE LAW GROUP



Benjamin Robert Rajotte, Esq.
One Maiden Lane, Suite 900
New York, New York 10038
(212) 463-6669
rajb@mllg.nyc

Application DENIED as frivolous. The Clerk of Court is directed to terminate ECF No. 44.

SO ORDERED



August 29, 2025

Attorneys for Jeffrey Simpson and JJ Arch LLC

TRANSCRIPT INFORMATION (FORM D)

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

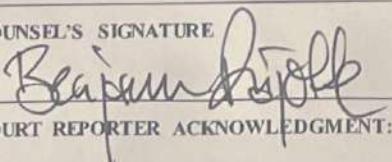
CIVIL APPEAL TRANSCRIPT INFORMATION (FORM D)

NOTICE TO COUNSEL: COUNSEL FOR THE APPELLANT MUST FILE THIS FORM WITH THE CLERK OF THE SECOND CIRCUIT IN ALL CIVIL APPEALS WITHIN 14 CALENDAR DAYS AFTER FILING A NOTICE OF APPEAL.

THIS SECTION MUST BE COMPLETED BY COUNSEL FOR APPELLANT		
CASE TITLE JEFFREY SIMPSON, Plaintiff, v. JARED CHASSEN et al., Defendants.	DISTRICT S.D.N.Y.	DOCKET NUMBER Case #25-04004 (JMF)
	JUDGE Hon. Jesse M. Furman	APPELLANT Jeffrey Simpson
	COURT REPORTER N/A	COUNSEL FOR APPELLANT MAIDEN LANE LAW GROUP

Check the applicable provision: <input type="checkbox"/> I am ordering a transcript. <input checked="" type="checkbox"/> I am not ordering a transcript.	PROVIDE A DESCRIPTION, INCLUDING DATES, OF THE PROCEEDINGS FOR WHICH A TRANSCRIPT IS REQUIRED (i.e., oral argument, order from the bench, etc.) N/A
Reason for not ordering a transcript: <input type="checkbox"/> Copy is already available <input checked="" type="checkbox"/> No transcribed proceedings <input type="checkbox"/> Other (Specify in the space below):	METHOD OF PAYMENT <input type="checkbox"/> Funds <input type="checkbox"/> CJA Voucher (CJA 21) N/A
INSTRUCTIONS TO COURT REPORTER: <input type="checkbox"/> PREPARE TRANSCRIPT OF PRE-TRIAL PROCEEDINGS <input type="checkbox"/> PREPARE TRANSCRIPT OF TRIAL <input type="checkbox"/> PREPARE TRANSCRIPT OF OTHER POST- TRIAL PROCEEDINGS <input type="checkbox"/> OTHER (Specify in the space below):	DELIVER TRANSCRIPT TO: (COUNSEL'S NAME, ADDRESS, TELEPHONE) N/A

If a transcript is ordered, I certify that I have sent this form to the court reporter and have made satisfactory arrangements with the court reporter for payment of the cost of the transcript. See FRAP 10(b). I understand that unless I have already ordered the transcript, I shall order its preparation at the time required by FRAP and the Local Rules.

COUNSEL'S SIGNATURE 	DATE 10/15/2025
--	--------------------

COURT REPORTER ACKNOWLEDGMENT: This section is to be completed by the court reporter. Return one copy to the Clerk of the Second Circuit.

DATE ORDER RECEIVED	ESTIMATED COMPLETION DATE	ESTIMATED NUMBER OF PAGES
SIGNATURE OF COURT REPORTER		DATE