

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

-----X  
JEFFREY SIMPSON, JJ ARCH LLC,

INDEX NO. 158055/2023

Plaintiffs,

MOTION DATE 11/03/2023

- v -

JARED CHASSEN, FIRST REPUBLIC BANK,

MOTION SEQ. NO. 005

Defendants.

**AMENDED DECISION +  
ORDER ON MOTION**

-----X  
608941 NJ INC

Plaintiff,

- v -

JEFFREY SIMPSON, JJ ARCH LLC, AND ARCH REAL  
ESTATE HOLDINGS LLC,

Defendants.

-----X  
HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 005) 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 321, 322, 323, 324, 325, 329, 330, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 356, 357, 358, 359, 360, 361, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 412, 413, 414, 415, 416

were read on this motion for PRELIMINARY INJUNCTION/RESTRAINING ORDER.

The Court's November 20, 2023 Interim Decision and Order (NYSCEF 412) granting Plaintiff 608941 NJ Inc.'s ("Oak") motion for a preliminary injunction is hereby amended to provide the following details with respect to the terms and scope of the injunction. It is now further:

**ORDERED** that, during the pendency of this action and subject to further order of the Court, Jeffrey Simpson and JJ Arch LLC are enjoined from:

1. Acting as (or holding themselves out to third parties to be) managing members of Arch Real Estate Holdings LLC (“AREH”), and Oak shall continue to act in their stead as AREH’s sole managing member in accordance with Section 7.1 of the Limited Liability Operating Agreement of AREH (the “Operating Agreement”), owing all applicable duties to AREH and its members;
2. Denying prompt consent to any Major Decision proposed by Oak as Managing Member under Section 7.1.3 of the Operating Agreement unless *both* JJ Arch members (Jeffrey Simpson and Jared Chassen) jointly agree to deny such consent (or alternatively, either JJ Arch member may convey consent);
3. Making any filings with the New York City Department of Buildings or any other similar regulatory authorities in any jurisdictions on behalf of AREH or any of its subsidiary entities; and
4. Otherwise interfering with Oak’s ability to exercise its responsibilities as Managing Member of AREH.

**ORDERED** that, during the pendency of this action and subject to further order of the Court, Jeffery Simpson is enjoined from entering the offices of AREH except with and upon the terms stated in an advance written consent provided by Oak<sup>1</sup>; it is further

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<sup>1</sup> Oak proposed adding a provision enjoining Mr. Simpson from contacting employees of AREH or its subsidiaries except through counsel or with the advance written permission of Oak. The Court has not included that proposed language, which seems an excessively broad restriction on what could be legitimate and inoffensive conduct and speech. That said, the Court notes that contacting individuals who are represented by counsel (as current and former employees of AREH may be) during the course of a litigation can raise significant issues. In addition, it should go without saying any actions that could constitute threats to actual or potential witnesses could raise even graver concerns, as Mr. Simpson’s counsel acknowledged during the argument of this motion. For now, the Court will rely on counsel to advise Mr. Simpson on these issues

**ORDERED** that, during the pendency of this action and subject to further order of the Court, Oak representatives Michael Wiener, Kevin Wiener, and Frank van Biesen shall each be permitted to have online viewing access to the Arch Accounts listed on Exhibit A, attached hereto, and shall each be given authorized signer access to make transactions in the Arch Accounts; and Jeffrey Simpson and Jared Chassen, shall cease to have authorized signer access but shall retain viewing access to the Arch Accounts; and all parties must promptly provide any information or documentation requested by First Republic Bank (or its successor in interest) to implement this Order; and it is further

**ORDERED** that, pursuant to CPLR 6312(b), Oak shall be required, within 15 days of the filing of notice of entry of this Order, to cause a duly licensed surety to file an undertaking for costs and damages that may be suffered by Jeffrey Simpson and/or JJ Arch should the preliminary injunction herein ordered be found to have been improvidently granted, in the fixed sum of \$250,000.00, failing which the preliminary injunction herein ordered shall dissolve.<sup>2</sup>

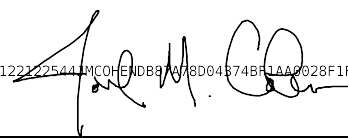
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rather than attempting to incorporate these restrictions – which are imposed by law and carry their own independent consequences – in this Order. However, the Court reserves judgment on a future motion for injunctive relief if subsequent events give rise to such a motion.

<sup>2</sup> The Court considered the competing proposals for an undertaking and believes \$250,000.00 is a reasonable amount in the circumstances. To be clear, however, the undertaking is solely to protect against injury flowing from the preliminary injunction itself (if later found to have been improvidently granted). To the extent harm is claimed to result instead from Managing Member conduct that constitutes an independent breach of contract, fiduciary duty, or other viable claim, the harmed parties are not limited to making claims against the undertaking ordered herein.

This constitutes the Decision and Order of the Court.

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11/22/2023

DATE

JOEL M. COHEN, J.S.C.

CHECK ONE:

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CASE DISPOSED

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NON-FINAL DISPOSITION

☒

GRANTED

☐

DENIED

☐

GRANTED IN PART

☐

OTHER

APPLICATION:

☐

SETTLE ORDER

☐

SUBMIT ORDER

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

FIDUCIARY APPOINTMENT

☐

REFERENCE

**EXHIBIT A**

CHECKING XXXXXXXX5334 5952 BENNER MANAGER LLC  
CHECKING XXXXXXXX5342 ARCH REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX5367 5952 BENNER INVESTOR LLC  
CHECKING XXXXXXXX1395 ARCH 11 GREENE ST MM LLC  
CHECKING XXXXXXXX1577 ARCH BUILDERS LLC A DISREGARDED ENTITY OF  
ARCH REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX1809 ARCH 11 GREENE ST BUILDERS LLC A DISREGARDED  
ENTITY OF ARCH REAL ESTATE  
HOLDINGS LLC  
CHECKING XXXXXXXX8449 5401 CALIFORNIA ASSOCIATES LLC  
CHECKING XXXXXXXX1160 TDRT 11 GREENE STREET LLC  
CHECKING XXXXXXXX2013 ARCH REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX1825 ARCH 45 SAVINGS INVESTORS LLC  
CHECKING XXXXXXXX1874 ARCH 45 SAVINGS LLC  
CHECKING XXXXXXXX1924 ARCH 45 SAVINGS MM LLC  
CHECKING XXXXXXXX1932 45 SAVINGS STREET JV LLC  
CHECKING XXXXXXXX1973 45 SAVINGS STREET MM LLC  
CHECKING XXXXXXXX5952 CAMBRIDGE ACQUISITIONS LLC  
CHECKING XXXXXXXX6075 CAMBRIDGE MEZZ LLC  
CHECKING XXXXXXXX4165 CAMBRIDGE ACQUISITIONS LLC  
CHECKING XXXXXXXX4181 CAMBRIDGE ACQUISITIONS LLC  
MONEY MARKET CHECKING XXXXXXXX3763 CAMBRIDGE ACQUISITIONS LLC  
CHECKING XXXXXXXX4013 ARCH CAMBRIDGE INVESTORS LLC  
CHECKING XXXXXXXX4154 ARCH ADVISORS LLC  
CHECKING XXXXXXXX5160 ARCH ASSET MANAGEMENT LLC  
CHECKING XXXXXXXX7952 ARCH ADVISORS LLC  
CHECKING XXXXXXXX6568 MIDTOWN OAKS JV LLC  
CHECKING XXXXXXXX6626 MIDTOWN OAKS MM JV LLC  
CHECKING XXXXXXXX9491 CAMELOT CLASS B JV LLC  
CHECKING XXXXXXXX9509 CAMELOT JV LLC  
CHECKING XXXXXXXX9525 CAMELOT MM JV LLC  
CHECKING XXXXXXXX0673 ARCH PROPERTY MANAGEMENT LLC  
CHECKING XXXXXXXX0764 MMSS LLC  
CHECKING XXXXXXXX7456 NCSC JV LLC  
CHECKING XXXXXXXX7464 NCSC MM JV LLC  
MONEY MARKET CHECKING XXXXXXXX9197 FRANCISCAN PROPERTY OWNER LLC  
MONEY MARKET CHECKING XXXXXXXX9346 ABNER PROPERTY OWNER LLC  
MONEY MARKET CHECKING XXXXXXXX8508 OAK GROVE PROPERTY OWNER LLC  
CHECKING XXXXXXXX5724 LAKESTAR CAMBRIDGE LLC  
CHECKING XXXXXXXX5799 ARCH SLOPE CAMBRIDGE LLC  
CHECKING XXXXXXXX5823 ARCH SLOPE CAMBRIDGE MM LLC  
CHECKING XXXXXXXX5872 ARCH CAMBRIDGE MM LLC  
CHECKING XXXXXXXX5948 102-02 PARTNERS CAMBRIDGE LLC

CHECKING XXXXXXXX6003 4690 ORACLE INVESTORS LLC  
CHECKING XXXXXXXX0122 ARCH BUILDERS LLC A DISREGARDED ENTITY OF  
ARCH REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX6194 ARCH PROPERTY MANAGEMENT LLC  
CHECKING XXXXXXXX2411 ONE BROWN JV LLC  
CHECKING XXXXXXXX2429 ONE BROWN MM JV LLC  
CHECKING XXXXXXXX6016 1 BROWN STREET ASSOCIATES LP AND 1 BROWN  
STREET OWNER LLC (DACA)  
CHECKING XXXXXXXX6024 1 BROWN STREET ASSOCIATES LP  
CHECKING XXXXXXXX6032 1 BROWN STREET ASSOCIATES LP  
CHECKING XXXXXXXX4607 RIDGEWOOD TOWER LLC  
CHECKING XXXXXXXX4110 MYRTLE POINT CM LLC  
CHECKING XXXXXXXX4243 MYRTLE POINT JV LLC  
CHECKING XXXXXXXX4458 MYRTLE POINT MM JV LLC  
CHECKING XXXXXXXX5413 DRAKE ARCH BIRMINGHAM 1 LLC  
CHECKING XXXXXXXX5470 PEBBLE CREEK BORROWER LLC  
CHECKING XXXXXXXX5553 PEBBLE CREEK MM JV LLC  
CHECKING XXXXXXXX0862 PEBBLE CREEK BORROWER LLC  
CHECKING XXXXXXXX0896 PEBBLE CREEK BORROWER LLC  
CHECKING XXXXXXXX4826 2501 VENTURES OP CO I LLC  
CHECKING XXXXXXXX1846 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0744 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0785 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0793 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0801 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0843 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0884 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0918 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0942 HAMR BORROWER 3 LLC (DEPOSIT ACCOUNT  
CONTROL AGREEMENT)  
CHECKING XXXXXXXX2326 ARCH DEVELOPERS LLC  
CHECKING XXXXXXXX3294 2501 ARCH LLC  
CHECKING XXXXXXXX3351 2501 JV LLC  
CHECKING XXXXXXXX1005 3820 1ST OWNER LLC  
CHECKING XXXXXXXX1044 3820 1ST OWNER LLC  
CHECKING XXXXXXXX1336 3504 12TH OWNER LLC  
CHECKING XXXXXXXX5987 3504 12TH OWNER LLC (DEPOSIT ACCOUNT CONTROL  
AGREEMENT)  
CHECKING XXXXXXXX5995 3504 12TH OWNER LLC  
CHECKING XXXXXXXX1203 235 JAMES OWNER LLC  
CHECKING XXXXXXXX1810 235 JAMES OWNER LLC  
CHECKING XXXXXXXX1054 DRAKE ARCH TUSCALOOSA 1 LLC  
CHECKING XXXXXXXX0019 ARCH TUSCALOOSA MM LLC  
CHECKING XXXXXXXX7278 2501 BISCAYNE PROPERTY OWNER LLC  
CHECKING XXXXXXXX2373 ARCH PROPERTY HOLDINGS 2 LLC

CHECKING XXXXXXXX2418 DRAKE ARCH COLUMBIA 1 LLC  
CHECKING XXXXXXXX2475 COLUMBIA MM JV LLC  
CHECKING XXXXXXXX8438 9 VANDAM JV LLC  
CHECKING XXXXXXXX8776 9 VANDAM OWNER LLC  
CHECKING XXXXXXXX6402 HAMR BORROWER 3 LLC  
CHECKING XXXXXXXX0347 3504 12TH OWNER LLC  
CHECKING XXXXXXXX8537 9 VANDAM MM JV LLC  
CHECKING XXXXXXXX2060 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2102 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2128 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2151 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2169 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2177 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2185 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2201 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2219 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2235 ARCH BUILDERS LLC DISREGARDED ENTITY OF ARCH  
REAL ESTATE HOLDINGS LLC  
CHECKING XXXXXXXX2045 1700 ARCH LLC  
CHECKING XXXXXXXX9537 CENTER POINT BORROWER 1 LLC  
CHECKING XXXXXXXX1409 CENTER POINT BORROWER 1 LLC (OPERATING -  
CAPEX)  
CHECKING XXXXXXXX1417 CENTER POINT BORROWER 1 LLC (OPERATING - RENT)  
CHECKING XXXXXXXX1540 CENTER POINT BORROWER 1 LLC (SECURITY DEPOSIT)  
CHECKING XXXXXXXX9636 CENTER POINT BORROWER 2 LLC  
CHECKING XXXXXXXX0154 CENTER POINT BORROWER 2 LLC (SECURITY DEPOSIT  
ACCOUNT)  
CHECKING XXXXXXXX0188 CENTER POINT BORROWER 2 LLC (OPERATING - RENT)  
CHECKING XXXXXXXX0220 CENTER POINT BORROWER 3 LLC  
CHECKING XXXXXXXX6215 CENTER POINT BORROWER 3 LLC (OPERATING  
ACCOUNT - RENT)  
CHECKING XXXXXXXX6223 CENTER POINT BORROWER 3 LLC (SECURITY DEPOSIT  
ACCOUNT)  
CHECKING XXXXXXXX5922 CAMELOT 3 LLC  
CHECKING XXXXXXXX5930 CAMELOT HOLDINGS JV 2 LLC  
CHECKING XXXXXXXX5948 CAMELOT JV 2 LLC

CHECKING XXXXXXXX5963 CAMELOT MM JV 2 LLC  
CHECKING XXXXXXXX5971 CAMELOT MM JV 3 LLC  
CHECKING XXXXXXXX5989 NCSC JV 2 LLC  
CHECKING XXXXXXXX5997 NCSC MM JV 2 LLC  
CHECKING XXXXXXXX6003 MIDTOWN OAKS MM JV 2 LLC  
CHECKING XXXXXXXX6011 MIDTOWN OAKS JV 2 LLC  
CHECKING XXXXXXXX4703 9 VANDAM BORROWER 2 LLC  
CHECKING XXXXXXXX6583 88 ARCH LLC  
CHECKING XXXXXXXX2053 9 VANDAM LP JV LLC  
CHECKING XXXXXXXX2460 1580 NOSTRAND LLC  
CHECKING XXXXXXXX1303 ARCH NOSTRAND MM LLC  
CHECKING XXXXXXXX8400 88 TOWER LLC  
CHECKING XXXXXXXX0767 88 TOWER LLC  
CHECKING XXXXXXXX0495 CONSTRUCTION SERVICES AND SOLUTIONS LLC  
CHECKING XXXXXXXX5316 88 TOWER LLC (DACA ACCOUNT)  
CHECKING XXXXXXXX0751 TOWER OWNER TWO LLC  
CHECKING XXXXXXXX7223 ORE LIVING II LLC  
CHECKING XXXXXXXX6075 ARCH NOSTRAND LLC  
CHECKING XXXXXXXX6688 3200 N HAVERHILL BORROWER LLC  
CHECKING XXXXXXXX3516 3200 N HAVERHILL BORROWER LLC