

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ELIYAHU MIRLIS,

Plaintiff,

No. 3:16-cv-00678 (MPS)

v.

DANIEL GREER, ET AL.

Defendants.

MOTION FOR LEAVE TO REGISTER JUDGMENT IN OTHER DISTRICTS

Pursuant to 28 U.S.C. § 1963, the plaintiff, Eliyahu Mirlis (“Mirlis” or “Plaintiff”), moves this Court for leave to register his judgment in favor of Plaintiff and against Daniel Greer (“Greer”) and the Yeshiva of New Haven, Inc. (the “Yeshiva” and together with Greer, “Defendants”) in the above captioned action in other Districts before the time to appeal expires or said judgment becomes final by appeal. Good cause exists for the Court to enter such relief because Defendants have disclosed insufficient assets in this District to satisfy the judgment entered against Defendants, yet one or more own additional property in other Districts. In support of his Motion, Mirlis states as follows:

I. The Judgment and Defendants’ Assets

A. Procedural Background Relevant to This Motion

On June 6, 2017, following a jury verdict in favor of Mirlis, the Court entered a judgment against the Defendants in the above-captioned case in the total amount of \$21,749,041.00 for, *inter alia*, unrelenting conduct of a predator who sexually molested a minor child and the failure of an educational institution to protect that child (this judgment and any amendment or modification thereto if any hereinafter collectively referred to as the “Judgment”). The Judgment remains unsatisfied, and Defendants have paid nothing. On June 28, 2017, Defendants filed a

Motion for New Trial or, in the Alternative, for Remittitur (Doc. No. 172) (the “New Trial Motion”) seeking a new trial or remittitur of the jury’s award. Plaintiff has filed its opposition to the New Trial Motion. The New Trial Motion remains pending before the Court.

On July 10, 2017, Plaintiff filed (1) the Application for Writ of Execution Financial Institution (Doc. No. 174) (the “Greer Application”) and the Application for Writ of Execution Financial Institution (Doc. No. 176) (the “Yeshiva Application” and together with the Greer Application, the “Applications”) seeking writs of execution to collect payments from financial institutions regarding the judgment debt owed by Greer and the Yeshiva. No bond or other security for the Judgment has been posted by Defendants. Because the writs of execution were not issued by the Clerk, Plaintiff filed the Motion for Order Directing Clerk to Issue Writs of Execution (Doc. No. 186) (the “Execution Motion”) on August 1, 2017, which seeks an order directing the Clerk to issue writs of execution pursuant to the Applications.

Plaintiff also filed the Motion to Take Deposition of Daniel Greer (Doc. No. 187) (the “Deposition Motion”) on August 3, 2017, seeking to take the deposition of Greer in aid of Plaintiff’s efforts to collect the Judgment from Defendants. On August 7, 2017, the Court issued an Order to Show Cause (Doc. No. 188) (the “Show Cause Order”), ordering Defendants “to show cause why the Court should not grant the relief prayed for in the [Execution Motion] and in the [Deposition Motion] to take deposition of Daniel Greer[.]” on or before August 21, 2017. On August 21, 2017, Defendants filed their response to the Order to Show Cause. The Court scheduled a telephonic status conference for August 30, 2017 to consider these matters, but the Court cancelled the status conference, and it has not yet been rescheduled. While the Execution Motion and Deposition Motion remain pending before the Court, however, the parties have informally reached an agreement on the Deposition Motion that permits the deposition of Mr. Greer to be taken by Mr. Mirlis by consent while preserving Mr. Greer’s right to seek a

protective order on certain grounds (but not on the basis that his deposition had been previously taken). No agreement on the Execution Motion has been reached, and it will require adjudication by the Court.

On October 27, 2017, Defendants filed a Motion for Relief from Final Judgment (Doc. No. 205) (the “Motion for Relief”), which is pending. In the Motion for Relief, Defendants seek an order vacating the Judgment and permitting a new trial pursuant to Fed. R. Civ. P. 60(b)(2) based on their alleged receipt of newly discovered evidence.

B. Plaintiff’s Efforts to Collect the Judgment from Defendants Have Realized Nothing to Date.

On June 27, 2017, Plaintiff served post-judgment interrogatories upon Defendants using the Connecticut Superior Court form. The Court extended deadline for Defendants to respond to these post-judgment interrogatories on August 28, 2017. In early July, Plaintiff filed judgment liens encumbering REDACTED [REDACTED]. Plaintiff subsequently commenced foreclosure actions on these judgment liens regarding these four properties which remain pending. Plaintiff is informed and believes, based upon a review of the valuations on file with the relevant tax assessors as set forth below, that the combined non-exempt value of these real properties is far less than the Judgment.

In early August, Plaintiff caused several subpoenas to be served upon financial institutions in which it believed that Defendants had accounts. Plaintiff has received production from some of these financial institutions. REDACTED [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

REDACTED

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Defendants responded to the post judgment interrogatories on August 28, 2017, under penalty of false statement, but designating their entire response, to be CONFIDENTIAL-Attorneys' Eyes Only. Plaintiff has requested this designation be removed from the responses in writing and met and conferred with Defendants' counsel. Subsequently, Defendants' counsel changed the designation to "CONFIDENTIAL." Plaintiff believes that this designation is improper and without any reasonable basis and will challenge said designation. In any event, the Yeshiva disclosed the following property in Connecticut in responses to these interrogatories:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

¹ Plaintiff through this motion does not waive any right to establish a different value of any property listed herein, and specifically reserves all such rights. Copies of records from the relevant tax assessors for each real property discussed herein are attached hereto as Exhibit D.

5. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Greer disclosed the following property in Connecticut in responses to the post-judgment interrogatories:

[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]

Aug. 11, 2006); *Garden State Tanning, Inc. v. Mitchell Mfg. Group, Inc.*, No. CIV.A. 98–4789, 2000 U.S. Dist. LEXIS 11974, at *6 (E.D. Pa. Aug. 3, 2000). A judgment is appropriate for registration on “good cause” shown where the judgment debtor has failed to post adequate security. *See Cheminova A/S v. Griffin L.L.C.*, 182 F. Supp. 2d 68, 80 (D.D.C. 2002). This is because “the distinct possibility of plaintiff being faced with an unsatisfied judgment is sufficient ‘good cause’ to order the registration entered notwithstanding the alleged inconvenience and cost to defendant.” *Associated Bus. Telephone Systems*, 128 F.R.D. at 66-67. In this case, Defendants have failed to post any security for the Judgment despite Plaintiff’s request that they do so.

A judgment creditor can demonstrate “good cause” under 28 U.S.C. § 1963 by “a mere showing that the defendant has substantial property in the other district and insufficient [property] in the rendering district to satisfy the judgment.” *Id.* at 66 (quoting Siegel, *Commentary on 1988 Revision*, 28 U.S.C. § 1963 (West Supp.1989)); *see also Schreiber v. Kellogg*, 839 F. Supp. 1157, 1162 (E.D. Pa. 1993) (“The good cause requirement may be satisfied if the judgment debtor has substantial property in a foreign district and insufficient property in the rendering district to satisfy the judgment.”). “While improper transfers or other activity designed to deprive plaintiff of the benefits of the judgment are sufficient to satisfy the requirement of good cause, they are not necessary.” *Lankler Siffert & Wohl, LLP v. A. Cal Rossi, Jr.*, No. 02 Civ.10055, 2004 U.S. Dist. LEXIS, at *3 (S.D.N.Y. July 21, 2004).

A judgment creditor’s burden to show “good cause” is minor: “[j]udgment creditors . . . need not show exact evidence of assets and registration may be granted upon a lesser showing.” *Owen v. Soundview Fin. Group, Inc.*, 71 F. Supp. 2d 278, 278-79 (S.D.N.Y. 1999) (emphasis added) (internal quotation marks omitted). Indeed, the “good cause” standard in 28 U.S.C. § 1963 “can be established upon a mere showing that the defendant has substantial property in the other [foreign] district and insufficient [property] in the rendering district to satisfy the

judgment.” *Tolnay v. Wearing*, 2007 US Dist. LEXIS 79448 at *4 (D. Conn. 2007) (quotation marks omitted) (citing cases). Absent contrary evidence, a declaration or affidavit offered in support of the judgment creditor’s motion for registration should be “presumed to be true” and it will be sufficient alone for a finding of “good cause.” *Owen*, 71 F. Supp. 2d at 279; *see also Cianbro Corp. v. George H. Dean, Inc.*, 749 F. Supp. 2d 1, 2-3 (D. Me. 2010).

B. “Good Cause” Exists Under 28 U.S.C. § 1963 For Registration of The Judgment In The District Of Massachusetts And The REDACTED Because Defendants Own Insufficient Assets in Connecticut, But

Because Defendants do not own sufficient assets in the District of Connecticut to satisfy Plaintiff’s Judgment, “good cause” exists under 28 U.S.C. § 1963 for registration of the Judgment in the District of Massachusetts and REDACTED

REDACTED There is no doubt that Defendants lack sufficient assets to satisfy the Judgment in Connecticut based on information known to the Plaintiff. REDACTED

REDACTED
REDACTED
REDACTED
REDACTED
REDACTED
REDACTED

Moreover, the pendency of the New Trial Motion and the Motion for Relief does not preclude or hinder the Court from granting this motion now. *See, e.g., Associated Bus. Telephone Systems*, 128 F.R.D. at 66-67; *see also Great Am. Ins. Co.*, 2006 U.S. Dist. LEXIS 56470, at *6-11. As noted, 28 U.S.C. § 1963 provides that the Court can grant this motion on

good cause before a judgment is final. There is no limitation on the Court for when that might occur, just that there be “good cause”. This is especially true when a judgment has not been stayed and is not the subject of an appropriate bond or security, which is the case *sub judice*. Defendants have not obtained a stay let alone sought one of the Judgment, and they have also failed to voluntarily offer or post any security for the Judgment, which also constitutes good cause to grant the motion. *See Cheminova A/S.*, 182 F. Supp. 2d at 80.

C. Good Cause Is Also Demonstrated by the Defendants’ Efforts to Thwart the Judgment.

As noted, Greer executed the responses to his post-judgment interrogatories under penalty of false statement on August 28, 2017. Plaintiff served these post-judgment interrogatories on June 27, 2017. Thus, Greer had just over two months to complete these interrogatories. REDACTED

REDACTED Yet he failed to disclose, either intentionally or otherwise, his interest in the Wareham, Massachusetts property. Surely he received a real property tax bill for this property during the period that he was working on these interrogatories or in the months leading up to it, so its material omission strongly suggests that he intentionally failed to disclose it.

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED This failure by Greer to disclose his interest in the Wareham, Massachusetts property to thwart this Court's Judgment and the collection efforts of the Plaintiff, independently REDACTED

REDACTED is either an independent basis or a supporting basis to grant the motion.

Therefore, Plaintiff respectfully requests that he be permitted to register the Judgment in other Districts so that he may collect the amount owed to him by Defendants in accordance with the Judgment. Otherwise, Plaintiff's ability to collect and secure the Judgment will be hampered as he will have to wait potentially for years to execute upon out of state assets if the Judgment is appealed. During that time, Defendants could dissipate their assets, making collection of the Judgment more difficult and expensive. In addition, if Plaintiff's continued efforts to discover Defendants' assets reveals other property located outside this District, he would have the means to enforce the Judgment as to those assets as well.

D. The Motion Should Be Granted to Allow Registering the Judgment in Any District in the United States Where the Defendants' Assets May Be Located

As noted, Greer did not disclose his interest in property in Massachusetts in his interrogatories. To avoid the burden of repeated motions for the Court to permit the registration of the Judgment in other judicial districts should circumstances warrant, the Plaintiff requests that the Court allow it to register the Judgment in any district in the United States where one or both of the Defendants' assets are found, now or in the future. "Good cause" undoubtedly exists for such an order because Defendants currently own insufficient assets in Connecticut, Massachusetts and REDACTED and registration of the Judgment wherever significant assets are found through discovery will be necessary to collect on the Judgment.

III. Conclusion

WHEREFORE, based upon the foregoing, Plaintiff respectfully requests that the Court enter an order (1) permitting him to register immediately the Judgment in other Districts before the time to appeal expires or the Judgment becomes final by appeal; and (2) granting such other and further relief as justice requires.

Dated at Bridgeport, Connecticut, this 31st day of October, 2017.

THE PLAINTIFF,
ELIYAHU MIRLIS

By: /s/ Matthew K. Beatman
Matthew K. Beatman (ct08923)
John L. Cesaroni (ct29309)
Zeisler & Zeisler, P. C.
10 Middle Street, 15th Floor
Bridgeport, CT 06604
Tel: (203) 368-4234
Fax: (203) 367-9678

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on October 31, 2017, a redacted copy of the foregoing Motion for Leave to Register Judgment in Other Districts was served upon all appearing parties with access to the CM/ECF System by operation of the Court's electronic notification system. The undersigned further certifies that the unredacted version of the foregoing was served on appearing counsel for the Defendants.

/s/ Matthew K. Beatman
Matthew K. Beatman (ct08923)
John L. Cesaroni (ct29309)
Zeisler & Zeisler, P. C.
10 Middle Street, 15th Floor
Bridgeport, CT 06604
Tel: (203) 368-4234
Fax: (203) 367-9678
Email: jcesaroni@zeislaw.com

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

70 ONSET AVE

Location 70 ONSET AVE

Mblu 3/ / LC23/ /

Acct#

Owner GREER DANIEL

Assessment \$102,700

Appraisal \$102,700

PID 1724

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2017	\$0	\$102,700	\$102,700

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$0	\$102,700	\$102,700

Owner of Record

Owner GREER DANIEL
Co-Owner GREER SARAH
Address PO BOX 3389
 NEW HAVEN, CT 06515

Sale Price \$17,500
Certificate
Book & Page 363/ 116
Sale Date 12/27/1985

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
GREER DANIEL	\$17,500		363/ 116	12/27/1985

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: \$0
Building Percent
Good:
Replacement Cost
Less Depreciation: \$0

Building Attributes	
Field	Description

Style	Scan Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	

Building Photo



(http://images.vgsi.com/photos2/WarehamMAPPhotos//default.jpg)

Building Layout

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	1300
Description	RES ACLNDV MDL-00
Zone	R43
Neighborhood	0060
Alt Land Appr Category	No

Land Line Valuation

Size (Sqr Feet)	38768
Frontage	0
Depth	0
Assessed Value	\$102,700
Appraised Value	\$102,700

Outbuildings

Outbuildings	Legend
--------------	--------

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$0	\$106,900	\$106,900
2015	\$0	\$106,900	\$106,900
2014	\$0	\$106,900	\$106,900

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$0	\$106,900	\$106,900
2015	\$0	\$106,900	\$106,900
2014	\$0	\$106,900	\$106,900

(c) 2016 Vision Government Solutions, Inc. All rights reserved.