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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUBY FREEMAN and WANDREA' MOSS,
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Plaintiffs,
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-v-
:
RUDOLPH W. GIULIANI,
:
Defendant.
:
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24-mc-00353 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendant Giuliani is subject to a restraining order pursuant to New York Civil Practice Law and Rules (“CPLR”) Section 5222(b) that forbids him to “make or suffer any sale, assignment, transfer or interference with any property in which he . . . has an interest.” Dkt. No. 10-10. The restraining order extends to his New York Apartment. By letter dated October 1, 2024, Plaintiffs brought to the Court’s attention press reports that indicate that on September 27, 2024, Giuliani lowered the listing price of his New York Apartment by \$525,000. Dkt. No. 35. Plaintiffs suggest that the Court consider whether to order Giuliani to delist the New York Apartment and otherwise desist from interference with the Apartment and all other property subject to the restraining notice. Dkt. No. 35. Giuliani does not object to an order that he delist the New York Apartment with such restraint to expire (subject to the possibility of renewal) on October 17, 2024, when the Court will next see the parties in person. Dkt. No. 41.


Upon consideration, the Court need not enter a further order that Giuliani desist from interference with the New York Apartment and the other property subject to the restraining notice. A CPLR § 5222(b) notice already operates as an injunction issued by the Court where

judgment has been registered, “disobedience of which is punishable by contempt.” *Cordius Tr. v. Kummerfeld Assocs., Inc.*, 658 F. Supp. 2d 512, 517–18 (S.D.N.Y. 2009). “A judgment creditor may move in federal court to hold a judgment debtor in civil contempt for transferring property in violation of N.Y. C.P.L.R. § 5222(b).” *Id.*; *see also Chevron Corp. v. Donziger*, 384 F. Supp. 3d 465, 502 (S.D.N.Y. 2019) (contempt sanctions for violation of § 5222(b) restraining notice), *aff’d in part, vacated in part, rev’d in part*, 990 F.3d 191 (2d Cir. 2021); *Wimbledon Financing Master Fund Ltd. v. Bienert Miller & Katzman, PLC*, 619 F. Supp.3d 351, 372 (S.D.N.Y. Aug. 2, 2022) (discussing liability of judgment debtor and third parties for violation of § 5222(b) restraining notice). Plaintiffs already have an order restraining Giuliani from interfering with the property in which he has an interest. If Plaintiffs believe Giuliani has interfered with that property, they need not move for another injunction but may move for an order of contempt.

To the extent that the restraining notice does not already provide this relief, Giuliani is ordered to delist the New York Apartment with the restraint imposed by this Order to expire (with the possibility of renewal) on October 17, 2024. After October 17, 2024, notwithstanding any expiration of the Order reflected in this paragraph, Giuliani shall continue to be restrained from interfering with the New York Apartment by virtue of the Section 5222(b) restraining notice. Defendant shall file proof on the docket no later than October 4, 2024, that the New York Apartment has been delisted and is no longer being offered for sale.

SO ORDERED.

Dated: October 3, 2024
New York, New York


LEWIS J. LIMAN
United States District Judge