

118 W. 27 LLC v Saltz
2021 NY Slip Op 32199(U)
November 8, 2021
Supreme Court, New York County
Docket Number: Index No. 156046/2021
Judge: Frank P. Nervo
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op <u>30001</u> (U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.
This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK : CIVIL TERM PART IV

-----X

118 west 27 LLC,

Index No. 156046/2021

Plaintiff,

-against-

DECISION AND ORDER

MARK SALTZ,

Defendant.

-----X

FRANK P. NERVO, Justice:

Plaintiff, 118 West 27 LLC, moves this Court for an Order pursuant to CPLR §§6301, 6311 and 6313(a) for preliminary and permanent injunction, compelling defendant, Mark Saltz, to immediately cease all illegal and/or objectionable, conduct in the plaintiff's building and the unit defendant occupies pursuant to a lease under New York's Loft Law; such objectionable conduct resulting in infringement on the safety of the building and the quiet enjoyment of the residential apartments of numerous other tenants in the building, as well as offensive disruptions within the elevators and common areas.

After presentation of evidence and the testimony of numerous residents and the resident of an adjoining building on October 20 and November 3, 2021, the Court finds that defendant Saltz is in substantial compliance with the Court's preliminary directives and Interim Order issued October 20, 2021, and has also provided some, but not all, of the identification of two persons residing with him, the three painters, and the three assistants working with him within his apartment. While the evidence presented demonstrates technical violations of the Court's Order of October 20, 2021 on two occasions, one was the result of an emergency visit to his apartment required by an electrician to make necessary repairs after the building's managing agent advised defendant the particular problem was his alone to address and repair, and the other was the appearance of a guest of one of his roommates, about which he was not provided notice by the roommate. Defendant Saltz advises that all roommates have now been made aware of the Court's directives with respect to when guests are permitted and the necessity that they be escorted by defendant within the building.

Defendant denies knowledge of a group of persons observed in the lobby of the building on or about October 21, 2021 as depicted in photographs submitted by plaintiff. Defendant Saltz attributes the presence of these people to the slow movement of the entrance door when closing and/or that entrance door's failure to securely lock. The plaintiff has not adequately demonstrated any connection between those particular people and the defendant, or the other occupants of defendant's unit.

It is therefore

ORDERED, that the petition is granted to the extent that:

- i. Within twenty (20) days of the date of this Order defendant shall provide the identification of persons not previously provided to the plaintiff as directed by the Order of the Court dated October 20, 2021;
- ii. The Order of this Court dated October 20, 2021 is hereby incorporated by reference, and all the terms therein shall remain in full force and effect until otherwise ordered, modified, or vacated by a court of competent jurisdiction which shall include, but is not limited to, the Housing Court of the Civil Court of the City of New York;
- iii. In addition to the foregoing, neither the defendant nor any of his workers, assistants, helpers, roommates or guests of any roommates, or persons otherwise associated with him, will bring into or permit any entry into the building or its elevators any motorized vehicles whatsoever, whether powered by gasoline, electricity or otherwise, including but not limited to motorcycles or mopeds of any size.
- iv. In addition to the foregoing, neither the defendant nor any of his workers, assistants, helpers, roommates or guests of any roommates, or persons otherwise associated with him, will permit, encourage, or in any way abide any illegal activity including, but not limited to, loitering or the development, use, or sale of controlled substances, anywhere in or around the building. (The Court does acknowledge defendant's denial of such illegal activity to date.)

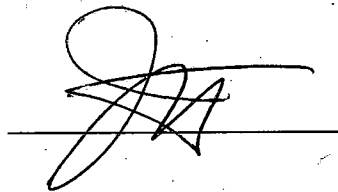
- v. Plaintiff-landlord shall have the right to apply to this Court, or any court of competent jurisdiction, for recovery from the defendant any expenses incurred by the necessity of hiring personnel, or other expenses, to maintain the security and integrity of the building and property as a result of defendant's failure to comply with this Court's Order of October 20, 2021, and as additionally noted above.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

New York, New York

E n t e r:

November 8, 2021

A handwritten signature in black ink, consisting of a large, stylized 'F' and 'N' intertwined, with a horizontal line drawn through the middle of the signature.

FRANK P. NERVO,

Justice Supreme Court