

CIVIL COURT OF THE CITY OF NEW YORK

CHIEF CLERK'S MEMORANDUM

Subject: Decision of Kings Supreme Court Justice
David B. Vaughan possibly impacting certain
certain Housing Court proceedings

Class: CCM-196
Category: LT-10
Eff. Date: May 6, 2011

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BACKGROUND

It has come to our attention that there is a recent State Supreme Court decision which may impact certain proceedings pending in the Housing Parts of the Civil Court. Please see attached memo from Deputy Chief Administrative Judge Fern Fisher dated May 5, 2011.

Kings County Supreme Court Justice David B. Vaughan, on February 9, 2011 signed an order certifying as a class former, current and future residents of certain "three-quarter houses" owned or operated by twelve individually named landlords. The order also issues a preliminary injunction barring specifically enumerated instances of retaliatory conduct by those landlords during the pendency of the class action suit.

The order directs that the defendant landlords are "enjoined from engaging in or threatening any of the following acts: 1. Evicting any member of the Plaintiff class without a court order."

The order continues that "it is further ORDERED that during the pendency of this [class] action, any eviction proceeding against any member of the Plaintiff class is stayed, except to the extent any such eviction proceeding asserts as a ground for eviction (1) the non-payment of rent or any other allowable ground for eviction of tenants under the Rent Stabilization Law or, (2) for residents of any building(s) found by this Court not to be subject to the Rent Stabilization Law, the non-payment of rent or other grounds for the eviction of tenants allowable under the landlord-tenant law applicable to those buildings."

In order to comply with Justice Vaughan's decision, we have established the following procedure.

PROCEDURE

Upon accepting the initiating papers for filing, and/or setting up the daily calendar, the clerk shall review the caption of the case against the following list of defendants as per Judge Vaughan's decision. If the clerk finds that any of the listed defendants are petitioners in the proceeding, the file shall be flagged for the sitting Judge as an action that is possibly stayed as per Justice David B. Vaughan's decision of February 9, 2011.

#1 Marketing Service, Inc.
R Y B Realty LLC
85 M.A., Inc.
Top of the Hob, Inc.
Yury Baumblit
Rimma Baumblit

Elita Gershengorn
BTYSG LLC
Vishnu Bandhu
212 Entertainment Ltd.
MP Stanhope LLC
85 Kingston LLC

5/6/2011

Date

/S/

Carol Alt