

Supreme Court of the State of New York  
Appellate Division: Second Judicial Department

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Argued - December 8, 2006

ROBERT W. SCHMIDT, J.P.  
WILLIAM F. MASTRO  
FRED T. SANTUCCI  
STEVEN W. FISHER, JJ.

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2005-05958

DECISION & ORDER

Theodore Petties, appellant, v New York City  
Housing Authority, respondent.

(Index No. 23600/00)

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Theodore Petties, Queens, N.Y., appellant pro se.

Ricardo Elias Morales, New York, N.Y. (Carol Polis and Rosanne Pisem of counsel),  
for respondent.

In an action, inter alia, to recover damages for failure to maintain and repair the plaintiff's apartment and failure to timely renew his lease, the plaintiff appeals from an order of the Supreme Court, Queens County (Schulman, J.), dated June 3, 2005, which, inter alia, denied his motion, in effect, to vacate an order of the same court (Dye J.), dated June 10, 2003, granting the defendant's motion for summary judgment dismissing the complaint.

ORDERED that the order is affirmed, without costs or disbursements.

The Supreme Court properly denied the plaintiff's motion, in effect, to vacate the order granting the defendant's motion for summary judgment dismissing the complaint (*see generally* CPLR 5015[a]).

The plaintiff's remaining contentions are without merit.

SCHMIDT, J.P., MASTRO, SANTUCCI and FISHER, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

January 30, 2007

PETTIES v NEW YORK CITY HOUSING AUTHORITY