

West Bushwick TPT HDFC v Demmerele
2026 NY Slip Op 30887(U)
January 29, 2026
Civil Court of the City of New York, Kings County
Docket Number: Index No. 312354-25
Judge: Sergio Jimenez
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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART J

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WEST BUSHWICK TPT HDFC,
Petitioners,

Index No. 312354-25

DECISION/ORDER

-against-

#40

NICOLE DEMMERELE, RAMEL JONES, JOHN DOE
and JANE DOE,
Respondents.

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Present:

Hon. Sergio Jimenez
Judge, Housing Court

Recitation, as required by CPLR § 2219(a), of the papers considered in the review of respondent’s notice of motion (Seq. 1) and any other relief as the court may find appropriate:

Papers Numbered

- Notice of Motion (Seq. 1) with affidavits and exhibits.....1 (NYSCEF #10-13)
- Affirmation in Opposition and exhibits.....2 (NYSCEF #14-15)
- Affirmation in Reply and exhibits.....3 (NYSCEF 17)

This is a holdover proceeding based on failure to sign a renewal lease and nuisance type behavior. Respondent, through counsel, now moves for discovery requesting five items: a) list of petitioner’s agents identified in the notice of termination of the alleged incidents; b) list of tenants identified who have being affected by the nuisance; c) documents dealing with the two incidents in the notice to cure; 4) documents dealing with the May 13, 2022 and June 6, 2024 incidents; and 5) all documents relating to the failed renewal lease. Petitioner opposes both “generally” at argument and also in written format.

The court need not repeat the well-known standard for discovery in summary proceedings which has been adopted by the both the First and Second Departments (*Georgetown Unsold Shares, LLC v Ledet*, 130 AD3d 99 [2nd Dept 2015]; *MHK Associates, LLC v Lafferty*, 81 Misc 3d 130[A][App Term 1st Dept 2023]; *New York University v Farkas*, 121 Misc 2d 643 [Civ Ct New York County 1983]). The court does adhere to the *Abdur-Rahim* doctrine, which adds another element to the *Farkas* analysis of whether the disclosure would help expedite the resolution of the summary proceeding (*see 50th Street HDFC v Abdur-Rahim*, 72 Misc 3d 1210[A][Civ Ct Kings County, 2021]).

Here, the respondent has made out the *Farkas* factors in addition to the *Abdur-Rahim* doctrine for some of the information requested in their notice to produce (NYSCEF #13). While the court has no duty to “prune” discovery requests and may deny the entire request should it not be carefully tailored (*Lerner v 300 West 17th Street Housing Development Fund Corp*, 232 AD2d 249 [1st Dept 1996]), as the request was mostly proper, as courtesy to both parties, and for the sake of judicial economy, the court will strike some of the requests (*Woods v Alexander*, 270 AD2d 850 [4th Dept 2000]). The use of “all” with regard to “documents and communication” are not tailored to the need and appear to be more of a nature of a “fishing expedition” and therefore improper (*Ganin v Janow*, 86 AD2d 857 [2d Dept 1982]).

Respondent is entitled to paragraphs 1, 3 (limited to only incident reports and identities of personnel), 4 (limited to only incident reports and identities of personnel), and 5 (limited to a copy of the renewal lease allegedly offered). “The names and addresses of witnesses are discoverable when sought to prepare for trial since these complaints form the predicate for this holdover proceeding.” (see *Hoffman v. Ro-San Manor*, 73 A.D.2d 207, (1st Dept 1980); *First FGP, Inc v. Douglas*, NYLJ, Nov. 12, 1996, p. 1 col. 1 [Civ. Ct. New York County 1996]; *Clinton-178 Towers LLC v. Chapple*, 58 Misc. 3d 198 [Civ Ct. Bronx County 2017]). All other paragraphs and information are denied.

The petitioner has failed to make out any prejudice to the provision of this information. Additionally, given the statements made by petitioner in paragraph 19 of their opposition (NYSCEF #15), the petitioner is precluded from presenting any testimony by any tenants’ complaints dealing with the underlying alleged behavior, on the face of their claims, stated that no tenant complained as to the respondent’s acts.

For the reasons set forth above, the court grants the motion in part. Petitioner to provide all of the documents sought in respondent’s document request (NYSCEF #16). Petitioner to provide those documents by March 4, 2026. Should they not exist, then the petitioner should provide a “Jackson” affidavit by that date (*Jackson v City of New York*, 185 AD2d 768 [1st Dept 1992]). Proceeding is adjourned to March 24, 2026 at 10:30am in room 502, Part J for all purposes. This constitutes the decision/order of the court.

Dated: January 29, 2026

Sergio Jimenez
Judge, Housing Court

Sergio Jimenez, JHC