

**City of NY v US Suite Mgt.**

2015 NY Slip Op 32609(U)

July 20, 2015

Supreme Court, New York County

Docket Number: 450084/15

Judge: Charles E. Ramos

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various state and local government websites. These include the New York State Unified Court System's E-Courts Service, and the Bronx County Clerk's office.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK - NEW YORK COUNTY

PRESENT: RAMOS Justice

PART 53

CITY OF NY INDEX NO. 450084/15

MOTION DATE

- v -

US SUITE MANAGEMENT, et al MOTION SEQ. NO. 001

MOTION CAL. NO.

The following papers, numbered 1 to , were read on this motion to/for

Notice of Motion/Order to Show Cause - Affidavits - Exhibits No(s)

Answering Affidavits - Exhibits No(s)

Replying Affidavits No(s)

Upon the foregoing papers, it is ordered that this motion is

The City of New York (the City) commenced this nuisance abatement action against defendant US Suite Management LLC d/b/a Metro Apartments to preliminarily enjoin it from illegally advertising, booking and providing illegal short-term occupancies of less than thirty days in a residential apartment building. The City maintains that the illegal rental of permanent residential dwelling units to serve "transient" occupants poses significant fire and safety risks.

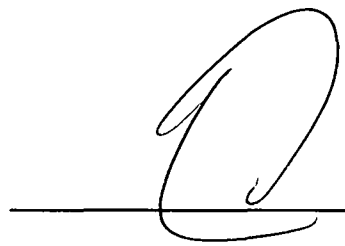
The motion is denied.

The building at issue in this action, located at 440 West 41st Street (the Building), was sold in March to an unrelated entity that is not a party to the action. Counsel for the City has claimed, in unverified correspondence to this Court, that there is evidence of an "apparent" relationship between the defendants, and the new owner, West 41 Property LLC. Defendants deny any such relationship, and the City has not adduced any evidence of such. Although the City, alleges that additional violations and hazards are occurring at the building, injunctive relief against the former owners of the building would not serve to remedy such conditions, and thus, the motion is denied.

Otherwise, the action continues as to claims for imposition of monetary damages against defendants.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

DATED: 7/20/15



J.S.C

- 1. CHECK ONE :  CASE DISPOSED  NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE : MOTION IS:  GRANTED  DENIED  GRANTED IN PART  OTHER
- 3. CHECK IF APPROPRIATE :  SETTLE ORDER  SUBMIT ORDER
- DO NOT POST  FIDUCIARY APPOINTMENT  REFERENCE