

**Board of Mgrs. of 136 W. 17th St. Condominium v
Medeiros**

2020 NY Slip Op 33519(U)

October 23, 2020

Supreme Court, New York County

Docket Number: 161988/2019

Judge: Lucy Billings

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 46

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BOARD OF MANAGERS OF 136 WEST 17TH
STREET CONDOMINIUM, acting on behalf of
the Unit Owners of 136 West 17th Street
Condominium,

Index No. 161988/2019

Plaintiff

- against -

DECISION AND ORDER

GEORGE MICHAEL MEDEIROS, CITIBANK, N.A.,
INTERNAL REVENUE SERVICE, NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE,
ENVIRONMENTAL CONTROL BOARD OF NEW YORK
CITY, PARKING VIOLATIONS BUREAU OF NEW
YORK CITY, and JOHN AND JANE DOE #1
THROUGH JOHN AND JANE DOE #20,

Defendants

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LUCY BILLINGS, J.S.C.:

Plaintiff moves, without opposition, to hold defendant
Medeiros in civil and criminal contempt of the order dated March
16, 2020. N.Y. Jud. Law § 756. That order enjoined him from
causing unreasonable, disturbing, or objectionable nuisances,
noise, or other conduct in the common areas of the 136 West 17th
Street Condominium in New York County; from damaging the
Condominium; or from threatening, harassing, intimidating,
disturbing, or harming his fellow residents of the Condominium.

Plaintiff seeks penalties for his contempt including his arrest, fines, and attorneys' fees and expenses for this motion. N.Y. Jud. Law §§ 751, 753(A), 773.

Plaintiff demonstrates that Medeiros received notice of the March 2020 order and that he has defeated, impaired, impeded, and prejudiced plaintiff's rights conferred by that order. N.Y. Jud. Law § 753(A)(3); El-Dehdan v. El-Dehdan, 26 N.Y.3d 19, 28 (2015); Oxman v. Oxman, 184 A.D.3d 404, 404 (1st Dep't 2020); Board of Directors of Windsor Owners Corp. v. Platt, 148 A.D.3d 645, 646 (1st Dep't 2017). Plaintiff presents affidavits on personal knowledge and authenticated photographs depicting seven separate instances since Medeiros's receipt of the order when Medeiros threatened or physically assaulted Condominium residents, damaged their personal property, or tampered with the Condominium's security system.

On May 4, 2020, Medeiros physically assaulted another person in the Condominium's elevator. During June 27 to 28, 2020, Medeiros damaged a resident's Vespa scooter by breaking its headlights, taillights, and mirrors and slashing its tires. On June 30, 2020, Medeiros disseminated a text message to all Condominium residents falsely accusing two residents of breaking into his unit and disrupting his WiFi service. On July 1, 2020,

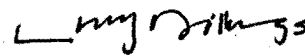
Medeiros slapped a resident across the face. On July 14, 2020, Medeiros spit in a resident's face. On August 1, 2020, Medeiros physically assaulted fellow resident Robert Spiegel by pushing him into the elevator, threatened Spiegel's wife that Medeiros intended to kill Spiegel, and tampered with the elevator security camera by covering it. On August 5, 2020, Medeiros again tampered with the elevator security camera by covering it. Plaintiff also claims Medeiros's loud banging on July 21, 2020, but fails to support this claim with an affidavit on personal knowledge or any other admissible evidence of the noise.

Consequently, the court grants plaintiff's unopposed motion to hold Medeiros in civil contempt of the order dated March 16, 2020, and fines Medeiros \$250.00 for each incident specified above, a total of \$1,750.00, to be paid to plaintiff within 20 days after service of this order with notice of entry on Medeiros, to indemnify the party aggrieved by Medeiros's contempt. N.Y. Jud. Law § 773; El-Dehdan v. El-Dehdan, 26 N.Y.3d at 34; Department of Env'tl. Protection of City of N.Y. v. Department of Env'tl. Conservation of State of N.Y., 70 N.Y.2d 233, 239 (1987); McCormick v. Axelrod, 59 N.Y.2d 574, 583 (1983); State v. Unique Ideas, Inc., 44 N.Y.2d 345, 349 (1978). If Medeiros fails to pay as ordered, plaintiff may enter a judgment

against him for \$1,750.00.

Since plaintiff has failed to demonstrate the attorneys' fees or expenses incurred for this motion, the court denies plaintiff's motion to the extent that it seeks such fees and expenses. The court also denies plaintiff's motion to the extent that it seeks criminal contempt, because plaintiff's descriptions of Medeiros's actions in defiance of the March 2020 order do not convince the court that Medeiros has acted wilfully, rather than due to mental illness or impairment, so as to warrant a finding of criminal contempt and the imposition of penalties for criminal contempt. Any further motion for Medeiros's contempt shall be supported by evidence that plaintiff has sought the intervention of the New York City Human Resources Administration's Adult Protective Services or of mental health professionals.

DATED: October 23, 2020



LUCY BILLINGS, J.S.C.

LUCY BILLINGS
J.S.C