

562 W. 174th Equities LLC v Mednik

2025 NY Slip Op 31529(U)

April 21, 2025

Civil Court of the City of New York, New York County

Docket Number: Index No. LT-317355-23/NY

Judge: Daniele China

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Civil Court of the City of New York
County of New York, Part F, Room 523

Index # LT-317355-23/NY



562 West 174th Equities LLC

Petitioner(s)

Decision / Order

Seqs 3 & 4

- against -

Stella Aminov Mednik; "John" "Doe"; "Jane"
"Doe"

Respondent (s)

Recitation, as required by CPLR 2219(a), of the papers considered in the review of Petitioner's motion to strike defenses and grant summary judgment (Seq 3); and Respondent's cross-motion for discovery as to its defense that the Premises was improperly deregulated (Seq 4):

Papers	Numbered
Notice of Motion and Affidavits /Affirmations annexed	23
Cross-Motion Affidavits/ Affirmations	24-34
Opposition/Reply Affidavits/ Affirmations	37-43
Reply Affirmation	45

Petitioner commenced this holdover proceeding on September 1, 2023, claiming Respondent – the tenant of record – occupies the premises pursuant to a lease exempt from rent regulation due to high rent deregulation in 2016. Respondent filed an answer claiming, in part, that the Premises is rent-stabilized. The claim is based upon Petitioner's predecessor-in-interest's filing with the NYS Division of Homes and Community Renewal (DHCR). The instant motions were taken on submission on December 10, 2024.

On March 27, 2024, Petitioner commenced another holdover action (LT-305880-24/NY). That action is also pending before this Court. In that proceeding, as well as two prior proceedings, Petitioner claimed the Premises IS subject to Rent Stabilization. Petitioner amended the petition in LT-305880-24/NY to claim the Premises is exempt; however, the Court finds by filing a second holdover six-months after commencing this proceeding in which it claims the Premises is rent-stabilized, while litigating that very issue in this proceeding, is highly prejudicial and confusing. Moreover, now that Petitioner has amended the petition in LT-305880-24/NY to claim exemption from rent-stabilization, that proceeding is in the same basic posture as this one – the parties are litigating the proper legal status of the Premises.

Given the foregoing, the Court dismisses this proceeding without prejudice to the claims and defenses in LT-305880-24/NY. This proceeding was mooted by Petitioner's commencement of another holdover making conflicting claims without waiting for resolution in this proceeding. As this proceeding is dismissed, the motions are moot.

This constitutes the decision and order of the Court. A copy will be uploaded to NYSCEF.

Dated: April 21, 2025

So Ordered:


HON. DANIELE CHINEA
JUDGE, HOUSING COURT