

**Board of Mgrs. of the Trump Palace Condominium v
Regency Ctrs., L.P.**

2025 NY Slip Op 33183(U)

August 22, 2025

Supreme Court, New York County

Docket Number: Index No. 654081/2024

Judge: Ashlee Crawford

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This opinion is uncorrected and not selected for official publication.

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

PRESENT: <u>HON. ASHLEE CRAWFORD</u>	PART	38
	<i>Justice</i>	
-----X	INDEX NO.	<u>654081/2024</u>
BOARD OF MANAGERS OF THE TRUMP PALACE CONDOMINIUM,	MOTION DATE	<u>08/13/2024</u>
	MOTION SEQ. NO.	<u>001</u>
Plaintiff,		
- v -		
REGENCY CENTERS, L.P., WHOLE FOODS MARKET GROUP, INC..FIVE BELOW, INC.	DECISION + ORDER ON MOTION	
Defendant.		
-----X		

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 39, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54

were read on this motion to/for PREL INJUNCTION/TEMP REST ORDR

Plaintiff the Board of Managers of the Trump Palace Condominium moves by order to show cause for a preliminary injunction enjoining defendants from performing certain construction-related activities at Trump Palace Condominium, a mixed-use condominium building located at 200 East 69th Street, 205 East 68th Street, and 1175 Third Avenue, New York, New York (the "Building"). The Court (Nock, J.) granted a temporary restraining order (TRO) on August 20, 2024, as amended on September 16, 2024 (NYSCEF Doc. 37, 55). Defendants Regency Centers, L.P. and Whole Foods Market Group, Inc. oppose the order to show cause. Defendant Five Below, Inc. has not appeared in this action.

In the complaint, plaintiff asserts a cause of action for declaratory judgment that all defendants must obtain express written consent from plaintiff to modify or alter the Building's façade, including any modification to the brass and granite elements of the façade, and the installation of signage (first cause of action). Plaintiff asserts a cause of action for a permanent

injunction preventing all defendants from performing construction in violation of the condo's declaration and by-laws and/or which puts the Building's residents at risk, without plaintiff's approval (second cause of action). Plaintiff alleges that defendant Regency has breached the condo's declaration and by-laws (third cause of action). Finally, plaintiff asserts against Regency and Whole Foods a cause of action for negligence (fourth cause of action); and, against all defendants, a cause of action for nuisance (fifth cause of action).

Discussion

Under CPLR 6301, "[t]he party seeking a preliminary injunction must demonstrate a probability of success on the merits, danger of irreparable injury in the absence of an injunction and a balance of the equities in its favor" (Nobu Next Door, LLC v Fine Arts Housing, Inc., 4 NY3d 839, 840 [2005]).

Plaintiff has met its burden on its first cause of action for declaratory judgment, only insofar as that cause of action is directed to future façade work which defendants are not entitled to perform after submitting to applicable approval processes. Plaintiff has not established irreparable harm as to any past modifications that defendants have made to the façade, which harm may be remedied through money damages.

Plaintiff has also met its burden on its second cause of action for a permanent injunction preventing defendants from performing construction in violation of the condo's declaration and by-laws and/or which puts the Building's residents at risk, without plaintiff's approval. The Court notes, however, plaintiff's concession that there is no proof connecting the gas leak in the residential part of the Building with defendants' construction in the commercial space (7/16/25 Tr. 9:8-16; see NYSCEF Docs. 37, 55).

With respect to both the first and second causes of action, the appropriate way forward is for the parties to engage in good faith in any applicable approval and safety processes, including as set forth in the condo's declarations and by-laws.

Plaintiff has not met its burden on the remaining causes of action, at the very least because it seeks money damages in the complaint and has not established irreparable harm on this application.

Accordingly, it is hereby

ORDERED that plaintiff's order to show cause for a preliminary injunction is GRANTED IN PART, only as directed to its first cause of action for declaratory judgment related to façade work, as limited hereinabove, and to its second cause of action for a permanent injunction preventing defendants from performing construction in violation of the condominium's declaration and by-laws and/or which puts the Building's residents at risk, without plaintiff's approval; and it is further

ORDERED that the remainder of plaintiff's order to show cause for a preliminary injunction is DENIED; and it is further

ORDERED that the parties shall engage in good faith in any approval and safety processes applicable to defendants' proposed work; and it is further

ORDERED that the temporary restraining order is hereby vacated and lifted in its entirety; and it is further

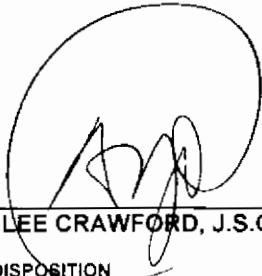
ORDERED that plaintiffs shall post an undertaking pursuant to CPLR 6312(b) in the sum of \$10,000.00, subject to modification upon motion by any party, and upon the condition that plaintiffs, if it is finally determined that they were not entitled to the injunction, will pay to plaintiffs all damages and costs which may be sustained by reason of the injunction (Suttongate Holdings Ltd. v Laconm Mgt. N.V., 159 AD3d 514 [1st Dept 2018]); and it is further

ORDERED that the parties shall exchange discovery in the normal course and, in the event of a discovery dispute at any point during this litigation that cannot be resolved despite the parties' good faith efforts, the parties shall refer to the Part 38 Rules to request an expedited conference; and it is further

ORDERED that all parties shall appear for a preliminary conference on October 16, 2025, at 10:00 AM.

This constitutes the decision and order of the Court.

8/22/25
DATE


ASHLEE CRAWFORD, J.S.C.

CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART	
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> SUBMIT ORDER	
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE