

Perez v Board of Mgrs. of the Langston Condominium
2025 NY Slip Op 33184(U)
August 20, 2025
Supreme Court, New York County
Docket Number: Index No. 654287/2025
Judge: Emily Morales-Minerva
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. EMILY MORALES-MINERVA PART 42M

Justice

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INDEX NO. 654287/2025

ERNEST P. PEREZ,

MOTION DATE 07/30/2025

Plaintiff,

MOTION SEQ. NO. 003

- v -

THE BOARD OF MANAGERS OF THE LANGSTON
CONDOMINIUM, DAMITA MILES, ASHLEY JEUDY,
SABRINA STRATTON, BRIAN JONES, VANESSA POTTER
WOOL, ADRIAN STRATTON, JOHN DOE AND JANE DOE
1-10, AKAM ASSOCIATES, INC.,

DECISION + ORDER ON
MOTION

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 003)
107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121,
122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,
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233, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249,
250, 253, 254, 255, 258

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

APPEARANCES:

Ernest P. Perez, self-represented plaintiff.

Sabrina Stratton, self-represented defendant.

EMILY MORALES-MINERVA, J.S.C.

In this action for a declaratory judgment and injunctive
relief, self-represented plaintiff ERNEST P. PEREZ moves, by
order to show cause, for a preliminary injunction prohibiting
defendants THE BOARD OF MANAGERS OF THE LANGSTON CONDOMINIUM

(BOARD), DAMITA MILES, ASHLEY JEUDY, SABRINA STRATTON, BRIAN JONES, VANESSA POTTER WOOL, ADRIAN STRATTON, JOHN DOE AND JANE DOE 1-10, AKAM ASSOCIATES, INC., from exercising any powers of the Board and from performing any duties of the Board.¹

Defendant Sabrina Stratton, a member of defendant BOARD, appears, as a self-represented litigant, and opposes the motion.² Self-represented defendants DAMITA MILES, ASHLEY JEUDY, SABRINA STRATTON, BRIAN JONES, VANESSA POTTER WOOL, and ADRIAN STRATTON submit a "motion to dismiss", which the court deems opposition to the instant motion (seq. no. 003).

CPLR § 6301 provides:

"A preliminary injunction may be granted in any action where it appears that the defendant threatens or is about to do, or is doing or procuring or suffering to be done, an act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual, or in any action where the plaintiff has demanded and would be entitled to a judgment restraining the defendant from the commission or continuance of an act, which, if committed or continued during the

¹ Plaintiff also seeks an order compelling discovery; the court denies said application as not presenting an emergency. Further -- prior to bringing a motion to compel discovery -- plaintiff must first make a good faith effort to resolve issues of discovery with the opposing party. If such good faith effort fails, then plaintiff may file a regular motion to compel discovery, upon notice to defendants, and must attach to said motion an affirmation attesting to and explaining such good faith efforts (see Uniform Rules for the New York State Trial Courts [NYCRR] § 202.7 [a]).

² Defendant Sabrina Stratton informed the Court that she has power of attorney to act on behalf of the remaining defendants, and her intention was to represent all defendants in opposition to this motion. However, the Court explained that a power of attorney does not make the holder an attorney entitled to function as such in court on behalf of others.

pendency of the action, would produce injury to the plaintiff."

"The 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 equities in its favor" (Nobu Next Door, LLC v Fine Arts Hous., Inc., 4 NY3d 839, 840 [2005]; see also DKC Group Holdings, LLC v Reece, Inc., 236 AD3d 537, 537 [1st Dept 2025]; BDC Mgt. Servs., LLC v Singer, 144 AD3d 597, 597 [1st Dept 2016]).

Here, plaintiff does not demonstrate a probability of success on the merits. While plaintiff argues that the current Board is illegitimate because they were not properly elected, he concedes that the circumstances presented -- involving all but one of the positions on the BOARD being vacant -- is not contemplated or addressed in the governing by-laws. As the proper procedure for electing Board members, if there is only one Board member standing, is "too imprecise and ambiguous to warrant," a tentative conclusion that the current Board was elected in violation of plaintiff's rights is unwarranted (Sportschannel America Assocs. v National Hockey League, 186 AD2d 417, 418 [1st Dept 1992] [holding, where a party sought a preliminary injunction enjoying the defendant from taking any action in furtherance or performance of the subject contract,

that the plaintiff did not demonstrate likelihood of success because the subject terms of the contract left the rights of the parties open to doubt or uncertainty]; see also NFL Enterprises, LLC v EcoStar Satellite, LLC, 2008 NY Misc LEXIS 8752, *5 [Sup Ct NY Cnty 2008], citing Gulf & W. Corp. v New York Times Co., 81 AD2d 772 [1st Dept 1981] [holding: "It is well established that the drastic remedy of a temporary injunction is not to be granted unless a clear right thereto is established by the moving papers")].

In any event, the alleged illegitimacy of the Board alone is insufficient for a finding that plaintiff is at risk of irreparable harm absent a preliminary injunction. And plaintiff points to no other irreversible injury. To the contrary, he concedes that the Board is holding an election to fill all Board positions on September 03, 2025, at or around two weeks from now. Further, it is undisputed that, at that meeting, plaintiff is a candidate for nomination to the Board, and that plaintiff's goal here includes the condominium holding an election for all new Board members.

Plaintiff also fails to establish that the balance of equities are in his favor. Enjoining the current Board from taking any action permitted under the by-laws would result in a stand still; the condominium would have only a Board secretary who, according to plaintiff, can take no independent action.

Further, plaintiff appears before this Court as a single member of the condominium, suggesting that he speaks for all condominium board members. However, he provides no support for such assertion.

Finally, plaintiff's application for a preliminary injunction may be properly denied to the extent that it seeks the ultimate relief in the action (see generally League of Women Voters of New York State v New York State Bd. of Elections, 189 AD3d 409, 410 [1st Dept 2020]; see also Real World Holdings LLC v. 393 W. Broadway Corp., 204 AD3d 425, 426 [1st Dept 2022] [affirming the lower court's denial of a mandatory injunction where such injunction would upset the status quo and "effectively grant the ultimate relief sought"]).

Accordingly, it is

ORDERED that plaintiff's motion (seq. no. 003), by order to show cause, is DENIED.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

Date: August 20, 2025



Emily Morales-Minerva, J.S.C.