

US Natl. Bank Trust N.A. v Felix

2025 NY Slip Op 33697(U)

July 4, 2025

Civil Court of the City of New York, Queens County

Docket Number: Index No. 310155-24

Judge: David J. Bryan

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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: HOUSING PART A

US NATIONAL BANK TRUST NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER
TRUSTEE FOR VRMTG ASSET TRUST

PETITIONER,

Index No. 310155-24

- against -

RAMON FELIX, JOHN DOE #1, JOHN DOE #2,
JANE DOE #1, JANE DOE #2, JOHN DOE (S), JANE DOE (S)

RESPONDENTS.

SUBJECT PREMISES: 11429 130TH STREET, UNIT 3
BASEMENT
SOUTH OZONE PARK, NY 11420

Present: Hon. David J. Bryan
Judge, Housing Court

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Petitioner is represented by: Friedman Vartolo LLP

Respondent Saviel Guara is represented by: The Legal Aid Society - Queens Neighborhood
Office

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Recitation, as required by CPLR § 2219(a), of the papers considered in the review of this motion.

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Papers

Respondent's Order to Show Cause to Renew and Reargue, Affirmation, Exhibits	1
Petitioner's Affirmation in Opposition, Exhibits	2

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Respondent, by her attorney, moves this Court for leave to conduct pretrial discovery by interrogatories. Pretrial disclosure is requested to overcome a presumption by the respondent that the petitioner may not be a "small landlord" as defined by the recent "Good Cause Eviction" (GCE) law. The Notice to Produce (NYCEF Doc. #13) asks the petitioner to identify all "natural persons" having a direct or indirect ownership interest in the Petitioner. Once disclosed, the petitioner is to reveal ownership of each of these "natural persons" in New York State of any real estate property. The notice to produce then requests that the petitioner provide associated documents for each of these properties. The interrogatories follow the notice to produce, with more specificity requested regarding the configuration of the real estate parcels.

The petitioner cross-moves to amend the petition, and in opposition to the motion for discovery and the motion to dismiss. The petitioner notes that this proceeding is a post-foreclosure holdover under RPAPL § 713 "Grounds Where No Landlord-Tenant Relationship Exists". The action is brought with the presumption that there is no landlord-tenant relationship between the parties. GCE is not applicable if there is no landlord-tenant relationship between the

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parties. The absence of the petitioner’s obligation to plead GCE removes the element of “ample need” from the respondent’s motion for disclosure. The Court agrees with the petitioner’s reasoning, and the motion for pretrial disclosure is denied.

The petitioner’s motion to amend the petition to include language as to the omission of GCE language is granted, and the amended petition (NYSCEF Doc. #18) is deemed served and filed *nunc pro tunc*. This matter has been adjourned until September 3, 2025, for all purposes in Part A.

This is the decision of the Court and will be posted to NYSCEF.

Date: July 4, 2025



David J. Bryan,
Housing Judge, Civil Court