

Leonardos v Siddo

2025 NY Slip Op 34186(U)

October 23, 2025

Civil Court of the City of New York, Kings County

Docket Number: Index No. 322158/24

Judge: Michael L. Weisberg

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This opinion is uncorrected and not selected for official publication.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART

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NIKOLAOS LEONARDOS,

Index No. 322158/24

Petitioner,

DECISION/ORDER

-against-

Mot. seq. no. 2

ARON SIDDO,

Respondents.
-----X

WEISBERG, J.:

The following e-filed documents, listed by NYSCEF document number 13-23; 25; 26-27 (motion no. 2) were read on this motion partial summary judgment.

“Where a landlord fails for a substantial period of time, to avail itself of a summary proceeding to the detriment of the tenant, it is no longer entitled to the summary relief as to the stale claims” (*1560-80 Pelham Pkwy. Assoc. v Errico*, 177 Misc 2d 947 [App Term, 1st Dept 1998]). As is relevant here, the key phrase is “to the detriment of the tenant.” Respondent has not alleged, much less demonstrated, that he has been prejudiced by any delay by Petitioner in asserting its claim.

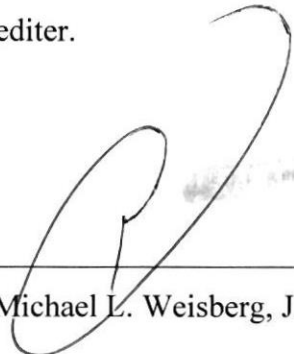
For laches to apply, “there must be a showing of unexplained delay and prejudice. Whether a party has suffered injury, change of position, loss of evidence, or some other disadvantage resulting from the delay depends on the facts of the case. Mere delay without a showing of prejudice does not constitute laches” (*Karagiannis v Nasar/Hyer*, 35 Misc 3d 37, 39 [App Term, 2d Dept, 2d, 11th, & 13th Jud Dists 2012] [internal citations omitted]). Respondent has not alleged any injury, change of position, loss of evidence, or any other disadvantage other than a general claim of penury. The court assumes that, like nearly every tenant facing a nonpayment summary eviction proceeding, he does not have the ability to pay his arrears. Critically, he makes no allegation that had he been made more aware at an earlier date of Petitioner’s claims that he would have been able to pay the arrears at that time, nor does he allege that she can pay the amount that he is conceding would not be barred by laches.

Accordingly, it is ORDERED that the motion is denied; and it is further

ORDERED that the parties shall appear in Part E/Room 504 on November 20, 2025 at 9:30 AM for the proceeding to be transferred to the trial expediter.

This is the court's decision and order.

Dated: October 23, 2025



Michael L. Weisberg, JHC