

**Department of Hous. Preserv. & Dev. of the City of  
N.Y. v Singh**

2025 NY Slip Op 35237(U)

November 14, 2025

Civil Court of the City of New York, Bronx County

Docket Number: Index No. LT-316487-24/BX

Judge: Diane E. Lutwak

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CIVIL COURT OF THE CITY OF NEW YORK  
BRONX COUNTY: HOUSING PART T

Index # LT-316487-24/BX

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DEPARTMENT OF HOUSING PRESERVATION AND  
DEVELOPMENT OF THE CITY OF NEW YORK,  
Petitioner,

-against-

**DECISION/ORDER**

KARAN SINGH, RAJMATTIE PERSAUD A/K/A  
RAJMATTIE PERSAUD SINGH, SEAN CAMPBELL  
RAFAEL BAEZ, FORDHAM FULTON REALTY, CORP  
Respondents.

*Premises:*

2410 Washington Avenue, Bronx, NY 10458  
A/K/A 480 East 188<sup>th</sup> Street, Bronx, NY 10458

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Hon. Diane E. Lutwak, HCJ:

Recitation, as required by CPLR Rule 2219(a), of the papers considered in the review of  
Petitioner’s motion by order to show cause for contempt and other relief (m seq #11):

<u>Papers</u>	<u>Doc #/NYSCEF Doc #</u>
Order to Show Cause	1/173,198,199
Conformed Copy of Order to Show Cause	2/215,216,217
Attorney’s Affirmation in Support	3/174,193
Exhibits 1-18 in Support	4-21/175-192, 194
Attorney’s Affirmation in Opposition	22/226
Respondent Sean Campbell’s Affirmation in Opposition	23/227
Exhibits A-F in Opposition	24-29/228-233
Attorney’s Reply Affirmation	30/235
Exhibits 18-24 in Reply	31-37/236-242

**PROCEDURAL HISTORY**

This is a proceeding to enforce the New York State Multiple Dwelling Law (MDL) and the New York City Housing Maintenance Code (HMC), commenced by the Department of Housing Preservation and Development of the City of New York (Petitioner or DHPD) against the owners of a residential apartment building (Respondents) located at 2410 Washington Avenue a/k/a 480 East 188<sup>th</sup> Street in the Bronx, New York (the subject premises or building). The Petition alleged that as of its filing date of April 22, 2024 there were 619 open violations at the building as listed in an accompanying Violation Summary Report (VSR); since acquiring the building on October 17, 2023 Respondents had submitted false certifications with respect to at least 34 violations including for dangerous conditions such as failure to provide heat, non-self-closing

doors, roach infestations and broken window guards; and sought relief on four claims: an Order to Correct existing violations of the HMC within time frames set by HMC § 2115(c) or be subject to daily civil penalties under HMC § 2115(a); civil penalties pursuant to HMC § 2115(a) for failure to timely correct previously placed immediately hazardous and hazardous violations, at different rates for those issued prior to December 8, 2023 and those issued on or after that date<sup>1</sup>; injunctive relief against tenant harassment pursuant to HMC §§ 2004(a)(48), 2005(d) and 2120(a) and MDL § 306(1); and a finding of tenant harassment with an award of civil penalties pursuant to HMC § 2115(m).

Respondents appeared by counsel, failed to file an Answer to the Petition, and, on August 5, 2024, Housing Court Judge Arrindell issued an Order to Correct pursuant to CPLR § 409(b) and New York City Civil Court Act § 110(c) based on a VSR dated July 25, 2024 (8/5/24 OTC). The 8/5/24 OTC stated the civil penalties to be imposed upon failure to correct within specified time frames, at different rates depending on whether they were classified as “A” (non-hazardous – 90 days), “B” (hazardous – 30 days) or “C” (immediately hazardous – 24 hours)<sup>2</sup>, and whether they were issued prior to or on/after December 8, 2023<sup>3</sup>. The remaining claims were transferred to Part X for assignment to a Trial Part.

On December 5, 2024 in Trial Part T the parties entered into, and then Housing Court Judge Scott-McLaughlin so-ordered, a Consent Order (12/5/24 CO) which included Respondents’ acknowledgement that the conditions listed in a 10/31/24 VSR “exist at the premises and are violations of the [HMC] and/or Multiple Dwelling Law”; a revised schedule for correcting the unaddressed violations that were the subject of the 8/5/24 OTC, which Respondents agreed not to challenge and to treat as if it were entered on consent, with different civil penalty rates depending on the violation class and whether it was issued prior to or on/after December 8, 2023<sup>4</sup>; a \$100,000 settlement of Petitioner’s civil penalties claim to date, to be paid in three parts with deadlines of December 31, 2024, February 28, 2025 and

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<sup>1</sup> New York City Local Law No. 71 for the year 2023 amended the HMC in various ways, including an increase in penalties for DHPD violations, effective December 8, 2023. Another relevant amendment, discussed below, was made to HMC § 27-2115(f)(3), the subsection which deems violations to have been corrected 70 days from the date of receipt of an owner’s certification of correction, unless DHPD determined by a re-inspection during that 70-day period that the violation had not yet been corrected. The amendment removes the benefit of the 70-day rule for up to 100 buildings where DHPD has found the owner to have falsely certified as corrected a certain number of hazardous or immediately hazardous violations.

<sup>2</sup> A class “A” violation is “non-hazardous” pursuant to HMC § 27-2115(c)(1); a class “B” violation is “hazardous” pursuant to HMC § 27-2115(c)(2); and a class “C” violation is “immediately hazardous” pursuant to HMC § 27-2115(c)(3). *Notre Dame Leasing LLC v Rosario* (2 NY3d 459, 463 n 1, 812 NE2d 291, 779 NYS2d 801 [2004]).

<sup>3</sup> See fn 1, *supra*.

<sup>4</sup> See fn 1, *supra*.

April 30, 2025, and with Respondents' consent to entry of a judgment for ten times the settlement amount - \$1,000,000 - upon default and without further notice other than an 8-day notice to cure; a provision for service of any papers by filing on NYSCEF; and withdrawal of the tenant harassment claims.

On March 7, 2025 Petitioner moved by order to show cause (OSC) for a finding of civil and criminal contempt against Respondents for failure to comply with the 8/5/24 OTC and the 12/5/24 CO; penalties for contempt; civil penalties for failure to correct the new violations placed through October 31, 2024 as referenced in the 12/5/24 CO; and an order to correct open violations issued after October 31, 2024.

On April 2, 2025 Petitioner filed an application for entry of a judgment for \$1,000,000 against Respondents, supported by an attorney's affirmation stating that Respondents made only the first of the three required payments towards the \$100,000 civil penalties settlement sum agreed to in the 12/5/24 CO, and the required 8-day notice to cure had been emailed on March 11, 2025.

On April 7, 2025, the return date of Petitioner's OSC, the case was adjourned to May 8, 2025 with a briefing schedule for Petitioner to re-file its OSC to correct a technicality, Respondents to oppose and/or cross-move, and Petitioner to reply. Respondents did not file their papers – opposition to the OSC for contempt and a cross-motion seeking an order to extend their time to complete repairs and additional time “to submit an answer or opposition papers” – until the adjourned date of May 8, 2025; in their single-page May 7, 2025 affirmations in opposition to Petitioner's OSC and support of their cross-motion each of the individual Respondents asserted that, “We have been making progress with the correction of the repairs and need additional time to complete the repairs.”

By Decision/Order dated May 13, 2025 this Court granted Petitioner's application for entry of a judgment against Respondents for \$1,000,000 based on their failure to pay the \$100,000 settlement amount as agreed in the 12/5/24 CO.

By Decision/Order dated May 27, 2025 (5/27/25 D/O) this Court granted Petitioner's OSC, found Respondents to be in contempt of the 8/5/24 OTC and the 12/5/24 CO, and denied Respondents' cross-motion. Based on a VSR dated April 7, 2025, the 5/27/25 D/O included an Order to Correct violations issued after October 31, 2024 (5/27/25 OTC); provided for entry of two judgments: one for \$250 as a fine for civil contempt pursuant to Judiciary Law § 773 and one for \$1000 as a fine for criminal contempt pursuant to Judiciary Law § 751(1); and ordered Petitioner to submit proposed judgments for civil penalties and attorneys' fees.

On June 2, 2025 Petitioner filed its proposed judgment applications – seeking \$10,114,700 in civil penalties, as per included calculations, and \$5450 in attorneys' fees, as per

accompanying timekeeping records - and the Court *sua sponte* issued an order permitting Respondents to submit any opposition to Petitioner's calculations and/or a proposed Counter Civil Penalties Judgment by June 20, 2025. No opposition was filed by June 20, 2025 and the proposed judgments were given to the Court Clerk's Office to be processed. On July 18, 2025 Respondents' counsel filed documents in opposition to the proposed judgment, belatedly and without permission; these were not considered by the Court.

On July 22, 2025 signed judgments for \$10,114,700 and \$5450 were uploaded to NYSCEF. The parties then filed a rapid-fire series of seven motions and OSCs in August 2025:

- (1) Respondents' motion for a stay pending appeal (filed 8/11/25).
- (2) Petitioner's cross-motion for an undertaking (filed 8/15/25).
- (3) Respondents' motion to vacate the judgments under CPLR R 5015(a)(1) based on excusable default and a meritorious defense and under CPLR R 5015(a)(3) based on fraud (filed 8/18/25).
- (4) Respondents' OSC for a stay of execution on the judgments pending disposition of all outstanding motions, with a temporary restraining order (TRO) barring Petitioner from executing on the judgments pending its determination (filed 8/20/25).
- (5) Petitioner's OSC to vacate the TRO, accelerate the return date of the four above-listed motions, require Respondents to post an undertaking, and enter a TRO to stop Respondents from concealing their assets (filed 8/28/25).
- (6) Petitioner's OSC for additional remedies for existing contempt; civil penalties under the 8/5/24 OTC, 12/5/24 OC and 5/27/25 OTC accruing after May 27, 2025; an order to correct new violations; and an order restraining Respondents from interfering with emergency repairs by Petitioner and its contractors (filed 8/28/25).
- (7) Petitioner's motion for sanctions under 22 NYCRR § 130-1.1 and attorneys' fees under either 22 NYCRR § 130-1.1 or Judiciary Law §§ 773 and 753(A)(1) (filed 8/29/25).

Upon signing Petitioner's OSC to vacate the TRO the Court ordered that to preserve the TRO Respondents must post an undertaking in the amount of \$11,120,150, and file proof of filing such undertaking with the Clerk of the Court, by September 5, 2025. Respondents did not post the undertaking and the first five of the above listed motions and OSCs were marked submitted following argument on September 8, 2025; the other two were adjourned first to September 29 and then to October 24, 2025 for argument.

By Decision/Order of September 12, 2025 this Court granted Petitioner's OSC seeking vacatur of the TRO and an order restraining Respondents from transferring assets; granted Petitioner's request to accelerate the four prior pending motions; denied Respondents' motion for a stay of execution or enforcement of the Court's judgments pending appeal; denied Respondents' motion to vacate the judgments under CPLR RR 5015(a)(1) and (a)(3); and denied

as moot Respondents' OSC seeking a stay pending determination of the motions and Petitioner's cross-motion for an undertaking.

More specifically, in the OSC for additional contempt remedies and other relief Petitioner seeks:

- (1) Pursuant to Judiciary Law §§ 753, 773, and 774, Civil Court Act § 110(e), CPLR § 5104, HMC § 2124, and the 5/27/25 D/O, incarceration of Respondents Karan Singh (Singh), Rajmattie Persaud a/k/a Rajmattie Persaud-Singh (Persaud) and Sean Campbell (Campbell) for a term of up to six months or until contempt is purged due to their continued breach of the 8/5/24 OTC and the 12/5/24 CO, for which this Court's 5/27/25 D/O found them to be in civil and criminal contempt; and
- (2) Pursuant to Judiciary Law §§ 753, 773, and 774, Civil Court Act § 110(e), CPLR § 5104, and HMC § 2124, an order finding Respondents in civil contempt of the OTC portion of the 5/27/25 D/O, which ordered them to correct violations issued after the 12/5/24 CO; sentencing Respondents Singh, Persaud and Campbell to a term of incarceration of up to six months or until contempt is purged; awarding DHPD attorneys' fees; and a \$250 fine; and
- (3) Pursuant to HMC § 2115 and Civil Court Act § 110(c), civil penalties for failure to correct violations of the 8/5/24 OTC and the 12/5/24 CO still open as of 5/27/25 to the present; and
- (4) Pursuant to HMC § 2115 and Civil Court Act § 110(c), civil penalties for failure to correct violations within the deadlines set by the 5/27/25 D/O as to violations issued after 10/31/24 as set forth in the 4/7/25 VSR; and
- (5) An order to correct open violations issued since 4/7/25; and
- (6) Pursuant to HMC §§ 2120(a), 2125, and 2130, and MDL § 306, an order restraining Respondents from interfering with attempts of DHPD and its contractors to make emergency repairs at the premises; and
- (7) As an alternative to immediate incarceration of Respondents Singh, Persaud and Campbell, entry of a proposed "Purge Order" setting conditions for Respondents to purge their contempt by, *inter alia*, correcting all violations within specified time frames; establishing a probationary period; and hiring a third-party professional management company to collect rent and expend rent funds on repairs.

In support of this motion, Petitioner asserts that Respondents' time to correct the violations covered by the 5/27/25 OTC has elapsed and they did not correct them; Respondents have not demonstrated purge of their contempt of the 8/5/24 OTC and the 12/5/24 CO, nor sought relief by motion; whereas there were 505 open code violations, including 124 "Class C" and 279 "Class B", when the case was settled by the 12/5/24 CO, as of the filing of the motion on August 28, 2025 there were 532 open violations, including 145 "Class C" and 296 "Class B" (see 8/28/25 VSR, NYSCEF Doc #178); Respondents still have not corrected 282 violations for

which they were held in contempt by the 5/27/25 D/O, including 62 "Class C" and 142 "Class B" violations; as to violations issued after the October 31, 2024 cut-off date for the 12/5/24 CO, a July 14, 2025 re-inspection found approximately 55 violations not complied; as to violations issued between November 1, 2024 and April 7, 2025, a report run on August 8, 2025 showed 141 open violations covered by the 5/27/25 D/O, including 44 "Class C" and 89 "Class B" violations; there are now five different decisions from three different judges finding Respondents Singh and Persaud in contempt of court in DHPD-initiated cases city-wide; 15 tenants of the subject premises are seeking to hold Respondents in contempt in LT-348112-23/BX; a Queens County Supreme Court Justice has held Respondents in contempt for willfully interfering with a receivership; Respondents have refused access to DHPD or its contractors seeking to complete emergency repairs in the subject premises at least five times since the beginning of the year; a VSR dated August 28, 2025 shows Respondents failed to correct non-self-closing doors, otherwise defective doors, missing smoke and carbon monoxide detectors, failure to comply with DHPD's heat sensor program, infestations of mice and roaches, broken faucets, defective paint and plaster, failure to conduct integrated pest management, water leaks, and failure to provide access to the boiler room; and failure to provide proof of repairs to the building's boiler and/or heat distribution system when there continue to be new violations placed and, "One of the most consistent problems over the last several years has been a problem concerning this building's heat and hot water." Attorney Affirm at ¶ 10.

Petitioner further highlights Respondents' pattern of falsely certifying violations as corrected and provides a VSR showing that Respondents falsely certified 160 violations for the period of October 31, 2024 through August 28, 2025 (NYSCEF Doc # 186).

Regarding the Court's prior finding of civil and criminal contempt, Petitioner asserts that Respondents, who bear the burden of proof to demonstrate that they have purged their contempt, are still in contempt as confirmed by DHPD's ongoing inspections. and have not sought any relief by motion. Petitioner asks the Court to exercise its discretion to impose additional remedies due to Respondents' failure to purge, including incarceration. Petitioners propose a remedy that is "structured to maximize the chance that it will coerce compliance with this Court's prior orders," Attorney's Affirm at ¶ 50, by immediately issuing warrants of commitment but staying execution contingent on compliance with a strict timeline for Respondents to purge, by correcting all "Class C" and "Class B" violations covered by the 8/5/24 OTC, 12/5/24 CO and 5/27/25 D/O by dates certain; hiring a licensed professional management company to manage the property until Respondents have purged their contempt; and putting Respondents on probation for an eight-month period.

Regarding Respondents' failure to comply with the 5/27/25 OTC, Petitioner asserts that approximately 141 violations covered exclusively by the 4/7/25 VSR are still open; DHPD inspectors continued to place new violations based on Respondents' failure to provide hot water and to allow DHPD access to the boiler room until near the end of the last heat season;

the violations create a legal presumption that the conditions continue to exist; and even without the statutory presumption, many of the violations have a “not complied” or “false cert” marking indicating that an inspector found the condition continued to exist after the violation was placed. Petitioner argues that all elements of contempt have been shown and the Court should hold Respondents in civil contempt and order incarceration for a period of up to six months, award attorneys’ fees to DHPD, issue a \$250 fine, and issue such other coercive remedies as the Court deems just and proper to compel Respondents to comply with the clear mandates of the 5/27/25 OTC.

Petitioner also seeks civil penalties for the uncorrected violations covered by the 5/27/25 OTC, as a distinct remedy from contempt, and requests leave to submit a proposed judgment for civil penalties, fines and attorneys’ fees.

Further, Petitioner asserts that Respondents have thwarted its own efforts to remedy violations in the subject building under its emergency repair program by refusing access to workers sent by DHPD. Attorney’s Affirm in Support at ¶ 87 and Exhibit 6 (NYSCEF Doc ## 174 and 180). Petitioner seeks an order restraining Respondents from interfering with the efforts of DHPD and its contractors to make emergency repairs.

In opposition, Respondent Campbell asserts in paragraph 3 of his affirmation dated September 26, 2025 that, “Before September, we were making progress in correcting the violations”, referring to “further certifications” annexed as Exhibits A – F (NYSCEF Doc ## 227, 228 – 233). However, because DHPD froze Respondents’ bank accounts in September 2025, “no further repairs can be made at the building since there is no money available to do so.” Campbell Affirm at ¶ 5. Respondents’ attorney asserts there has been no willful disobedience to warrant contempt as “substantial progress has been made in remediating the violations”, Attorney’s Affirm in Opp at ¶ 6 (NYSCEF Doc # 226), landlords are permitted to challenge the rejection of their certifications of correction under HMC § 27-2115(f)(3), the freeze on Respondents’ bank accounts has made it impossible for them to comply, and impossibility is a defense to contempt. Respondents’ counsel argues that further civil penalties or a finding of contempt cannot be awarded without a hearing and, while “Petitioner’s counsel has proposed a reasonable settlement,” *id.* at ¶ 14, Respondents cannot accept it as their assets are frozen and they “would like the Court to get involved in negotiating a global settlement”, *id.* at ¶ 16.

In a Reply Affirmation (NYSCEF Doc # 235), Petitioner’s attorney argues that its motion should be granted as Respondents have not met their burden of proof by clear and convincing evidence that they have purged the contempt or that it is impossible for them to do so. Petitioner argues that Respondents presented no evidence of any repairs having been done; Respondents are precluded from proving repairs by relying on certifications filed prior to their agreement in the 12/5/24 CO, prior to the judicial findings in the 5/27/25 D/O which constitute the law of the case, and prior to their own sworn statements in their affirmations of May 7,

2025 in which they admitted that violations exist; and therefore there is no need for a hearing on this motion.

As to the certifications, Petitioner points out that 233 of the 388 pages of certifications pre-date the 10/31/24 VSR relied on in the parties' 12/5/24 CO<sup>5</sup> and 315 of the 388 pages pre-date the 4/7/25 VSR relied on in the Court's 5/27/25 D/O<sup>6</sup>; Respondents failed to address 300 of the 422 open violations covered by the three orders to correct (8/5/24 OTC; 12/5/24 CO; 5/27/25 OTC) for which Petitioner seeks additional contempt remedies; the Court already rejected most of these certifications in its September 12, 2025 Decision/Order; and for the period of October 31, 2024 through August 28, 2025 Respondents falsely certified approximately 160 violations.

Petitioner further asserts four reasons why Respondents do not get the benefit of the 70-day "deemed corrected" provision of HMC § 2115(f)(3):

- (1) Respondents failed to raise this argument in a timely fashion as to violations that predate the 4/7/25 VSR or 5/27/25 D/O;
- (2) lead paint and mold violations are excluded, pursuant to HMC §§ 2115(l)(3) and (4) and 27-2115(o)(3);
- (3) due to the excessive number of false certifications they have filed, Respondents are on a DHPD Certification Watchlist of the 100 "worst false certifiers in New York City", Attorney's Reply Affirm at ¶¶ 7 & 41 and Exhibit 20, pursuant to HMC § 27-2115(f)(3)(ii)<sup>7</sup>; and
- (4) even certified violations, if open on a VSR, remain *prima facie* evidence of conditions pursuant to MDL § 328(3), and Respondents must produce evidence of repairs.

Petitioner also rejects Respondents' conclusory claim of impossibility due to DHPD having restrained their bank accounts. Petitioner asserts that Respondents have not met their burden of proof on this affirmative defense; Respondents have substantial assets, as they own at least five multiple dwellings in New York City; Respondents have not established that they lack sources of funds other than any bank accounts that have been restrained; and Petitioner can produce Respondents' financial records either publicly, *in camera*, or under seal to show

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<sup>5</sup> Petitioner lists the following certifications as precluded by the 12/5/24 CO: Ex. A: pp. 31, 33-41, 43-59 (27 of 59 pages); Ex. B: pp. 1-2, 8, 9-12, 14-16., 19-22, 25-30, 32, 36-39, 42-43, 47-50, 52-53, 55-56, 60-61, 65-67, 69 (40 of 69 pages); Ex. C: pp. 1-7, 10-13, 16, 19-30, 34-37, 39-41, 43-44, 48 (33 of 51 pages); Ex. D: pp. 9, 12-14, 19-20, 27, 29-32, 38, 44-45, 52-53, 55 (17 of 71 pages); Ex. E: pp. 1-57 (57 of 61 pages); Ex. F: pp. 12-27, 29-33, 47-67 (49 of 76 pages).

<sup>6</sup> Petitioner lists the following certifications as precluded by the 5/27/25 D/O: Ex. A: pp. 3-7, 15-41, 43-59 (49 of 59 pages); Ex. B: Every certification (69 of 69 pages); Ex. C: Every certification but p. 42 (50 of 51 pages); Ex. D: pp. 1, 9, 10-14, 17, 19-20, 25, 27, 29-32, 38-41, 44-45, 49-55, 58-62 (32 of 71 pages); Ex. E: pp. 1-58 (58 of 61 pages); Ex. F: pp. 1-2, 5-28, 30-37, 47-67, 74-75 (57 of 76 pages).

<sup>7</sup> See fn 1, *supra*.

that Respondents do have access to substantial funds to pay for repairs needed in the subject building.

None of the individual Respondents appeared with their attorney for oral argument on October 24, 2025, and when the Court asked counsel about Respondents' stated interest "in negotiating a global settlement", Attorneys' Affirm in Opp at ¶ 16, and whether the parties and their counsel had attempted any such settlement negotiations, the only response came from Petitioner's counsel, who stated they had made detailed offers and proposals, without any viable response from Respondents' counsel.

## DISCUSSION

Under Judiciary Law § 753(A)(3), a party that disobeys a court's lawful, clear mandate may be held in civil contempt, and penalized by fine and/or imprisonment, where "a right or remedy of a party to a civil action or special proceeding, pending in the court may be defeated, impaired, impeded, or prejudiced". See, e.g., *Various Tenants of 446-448 W 167th St v NYC Dep't of Hous Pres & Dev* (153 Misc2d 221, 588 NYS2d 840 [App Term 1992], *aff'd*, 194 AD2d 311, 603 NYS2d 718 [1<sup>st</sup> Dep't 1993]). Any penalty imposed for civil contempt "is designed not to punish but, rather, to compensate the injured private party or to coerce compliance with the court's mandate or both". *Dep't of Env'tl Prot v Dep't of Env'tl Conservation* (70 NY2d 233, 239, 519 NYS2d 539, 542, 513 NE2d 706, 709 [1987]).

In its Decision/Order of May 27, 2025, this Court already found Respondents to be in both civil and criminal contempt for their failure to comply with the 8/5/24 OTC and the 12/5/24 CO, and entered judgments against Respondents in the amount of \$250 as a fine for civil contempt pursuant to Judiciary Law § 773; \$1000 as a fine for criminal contempt pursuant to Judiciary Law § 751(1); and attorneys' fees of \$5450 pursuant to Judiciary § 773. The first two questions raised by Petitioner's second contempt motion are (1) whether this Court should impose a stricter penalty – in the form of either an immediate or conditional sentence to a term of up to six months' civil incarceration of Respondents Singh, Persaud and Campbell - for their failure to purge those earlier contempt findings; and (2) whether to make an additional finding of civil contempt against Respondents for their failure to comply with the order to correct portion of the 5/27/25 D/O and, similarly, sentence them to a term of incarceration, award additional attorneys' fees, and impose another \$250 fine under Judiciary Law § 773.

Clearly, the Court's May 27, 2025 Decision/Order finding Respondents in civil and criminal contempt of court, and imposing fines and an award of attorneys' fees, did not result in the hoped-for outcome of Respondents' prompt correction of the violations listed in the VSRs underlying the 8/5/24 OTC and the 12/5/24 CO in order to purge the contempt findings against them. Nor did it result in Respondents' prompt correction of the violations listed in the 4/7/25 VSR underlying the 5/27/25 OTC. Instead, Respondents have engaged in extensive motion practice, none of which included the filing of any proof of actual repairs made or other

specific steps taken to correct the violations and purge the contempt findings. Further, and of significant concern, are Petitioner's unrefuted assertions and supporting evidence showing that Respondents refused access to DHPD and their contractors to conduct emergency repairs.

The evidence Respondents filed in opposition to Petitioner's motion is woefully lacking, consisting of a conclusory, single-page affirmation of Respondent Campbell dated September 26, 2025 alleging that "we were making progress" until Petitioner "put freezes against all of the Respondents' bank accounts" and 388 pages of certifications that essentially were dumped onto NYSCEF without regard to relevance or chronology and without any effort made to show how they address the violations underlying the 8/5/24 OTC, the 12/5/24 CO and the 5/27/25 D/O. Each of Respondents' Exhibits A through F (NYSCEF Doc ## 228-233) consists of numerous pages containing from one to three certifications of corrected violations, filed on-line either singly or in batches by Respondent Campbell, presenting a mix of non-chronological certifications filed in various months of 2024 and 2025. To illustrate, a sampling of the certifications and examination of their filing dates indicates the following:

- Ex A: 59 pages, 1<sup>st</sup> cert filed 9/5/25, midpt (p 30) filed 12/4/24, p 40 filed 6/20/24, last filed 6/4/24;
- Ex B: 69 pages, 1<sup>st</sup> cert filed 5/31/24, midpt (p 35) filed 1/15/25, p 40 filed 11/30/24, last filed 7/20/24;
- Ex C: 52 pages, 1<sup>st</sup> cert filed 3/23/24, midpt (p 26) filed 7/5/24, p 40 filed 6/5/24, last filed 12/5/24;
- Ex D: 71 pages, 1<sup>st</sup> cert filed 4/2/25, midpt (p 35) filed 5/6/25; p 40 filed 3/28/25, last filed 8/20/25;
- Ex E: 61 pages, 1<sup>st</sup> cert filed 5/24/24, midpt (p 28) filed 3/12/24, p 40 filed 3/9/24, last filed 8/9/25;
- Ex F: 76 pages, 1<sup>st</sup> cert filed 1/26/25, midpt (p 38) filed 7/15/24, p 40 filed 4/25/25, last filed 4/23/25.

As described above on page 8 and in footnotes 4 and 5, Petitioner conducted a more detailed analysis of these certifications and concluded that at least 315 of the 388 pages contain certifications that were submitted on or prior to April 7, 2025 and therefore are barred by the law of the case.

Based on the foregoing, it is evident that Respondents made no effort to link what they allege to be relevant certifications to either the violations underlying the earlier contempt finding or the open violations on record as of September 26, 2025, the date Respondents filed their opposition to the motion. On page 7 of its Decision/Order dated September 12, 2025 addressing the five other motions filed in August 2025 this Court already rejected Respondents' attempt to support their position with a similar "non-chronological, haphazard collection" of certifications. It is, to put it mildly, baffling that Respondents would think they can defeat

Petitioner's request for more stringent contempt remedies at this juncture in this manner. Respondents do not even acknowledge that, based on their history of numerous false certifications, their building was placed on DHPD's 2025 Certification Watchlist<sup>8</sup> as one of 100 buildings in New York City with the worst rate of false certifications, information that is readily available on DHPD's website and which this Court can take judicial notice of under Multiple Dwelling Law § 328(3).

Nor have Respondents sufficiently supported their affirmative defense of impossibility by relying on one Respondent's conclusory statement that, because DHPD attached "all of the Respondents' bank accounts ... no further repairs can be made at the building since there is no money available to do so." Campbell Affirm at ¶¶ 4, 5.

When a court finds a party to be in civil contempt of its orders, it maintains significant discretion to forge an appropriate remedy and set the conditions upon which contempt may be purged. *In re Hildreth* (28 AD2d 290, 293, 284 NYS2d 755 [1<sup>st</sup> Dep't 1967]). Here, to carry out the remedial purpose of civil contempt and "to coerce compliance with the court's mandate", *Dep't of Env'tl Prot v Dep't of Env'tl Conservation, supra*, and given Respondents' flagrant disregard for the orders of this Court and the lives of their tenants who live in their building, it is necessary to heighten the consequences. Respondents' failure to demonstrate an appropriate level of effort to purge their contempt of the 8/5/24 OTC and the 12/5/24 CO, *Matter of Goetz Fitzpatrick LLP v OTR Media Grp, Inc* (210 AD3d 568, 179 NYS3d 202 [1<sup>st</sup> Dep't 2022]), warrants the stricter measures proposed by Petitioner.

Petitioner also has established that Respondents are in contempt of the additional order to correct in the Court's 5/27/25 D/O. As set forth in that D/O, the moving party on a contempt motion must establish by clear and convincing evidence that a lawful order was in effect with an unequivocal mandate, that the order was disobeyed, that the party who allegedly disobeyed the order knew about it and that the moving party was prejudiced by the other party's failure to comply with the order. *El-Dehdan v El-Dehdan* (26 NY3d 19, 41 NE3d 340, 19 NYS3d 475 [2015]); *McCormick v Axelrod* (59 NY2d 574, 583, 453 NE2d 508, 512-13, 466 NYS2d 279, 283 [1983]). As in its first contempt motion, Petitioner again has made the requisite showing and Respondents have failed to come forward with any proof to the contrary. The 5/27/25 OTC is a lawful court order with a clear and unequivocal mandate requiring Respondents to correct all violations listed on the 4/7/25 VSR within specified timeframes. Respondents are on notice of this order: They are represented by counsel and the Court uploaded the order to NYSCEF on the same day it was issued. Under Multiple Dwelling Law § 328(3), Petitioner's VSRs are *prima facie* evidence of the existence of the stated violations on the dates listed in those reports and those VSRs reflect that Respondents have not corrected the violations as required by the

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<sup>8</sup> See <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/2025-certification-watchlist.pdf>.

5/27/25 OTC. Respondents' non-chronological, haphazard certifications of correction have been rejected, as has the conclusory statement in paragraph 3 of Respondent Campbell's Affirmation that, "Before September, we were making progress in correcting the violations."

There is no need for a hearing on the record presented, *Farkas v Farkas* (209 AD2d 316, 318, 618 NYS2d 787, 788 [1<sup>st</sup> Dep't 1994]), and the conditional sentence to a term of civil incarceration proposed by Petitioner is appropriate at this juncture, *see, e.g., Dep't of Hous Pres & Dev of the City of NY v Belmont Ventures LLC* (2024 NY Slip Op 33506[U][Civ Ct NY Co July 5, 2024]), along with imposition of another \$250 fine under Judiciary Law § 773 and an award of additional attorneys' fees for time spent by Petitioner's counsel continuing to litigate the first contempt order and now litigating the second contempt order.

The Court also will grant Petitioner's requests for an order to correct any open violations issued from April 7, 2025 to the present; an order restraining Respondents from interfering with attempts of DHPD and its contractors to make emergency repairs; and additional civil penalties pursuant to HMC § 2115 and Civil Court Act § 110(c) based on Respondents' failure to correct (a) violations of the 8/5/24 OTC and the 12/5/24 CO that were still open during the period of May 27, 2025 to the present; and (b) violations issued after October 31, 2024 as set forth in the 4/7/25 VSR relied on in the 5/27/25 D/O.

Further, and in line with Respondents' acknowledgement that "Petitioner's counsel has proposed a reasonable settlement to this matter", Respondents' Attorney's Affirm in Opp at ¶ 14, and request for a settlement conference with the Court, in addition to the other relief listed above this case will be set down for a conference at which Respondents Singh, Persaud and Campbell shall appear along with their attorney, and both sides shall be prepared to address the current status of any and all open violations as reflected on DHPD's website as of one week prior to the conference date.

## CONCLUSION

Based on the foregoing, Petitioner's motion by order to show cause for contempt and other relief against Respondents is GRANTED as follows:

- (1) It is hereby ORDERED that, due to Respondents' failure to purge the Court's finding against them in its Decision/Order of May 27, 2025 (5/27/25 D/O) of civil and criminal contempt by complying with the August 5, 2024 Order to Correct (8/5/24 OTC) and the December 5, 2024 Consent Order (12/5/24 CO) regarding the correction of Housing Maintenance Code violations at 2410 Washington Avenue, Bronx, New York 10458 (the subject premises), Respondents Karan Singh (Singh), Rajmattie Persaud a/k/a Rajmattie Persaud Singh (Persaud) and Sean Campbell (Campbell) are hereby sentenced to a term of incarceration for a period of 179 days or until they purge their contempt, whichever is sooner, and the Court shall immediately issue a warrant for their arrest and commitment to civil jail, **with**

**execution of the warrants of arrest temporarily and conditionally stayed** pursuant to the following “Purge Order” terms (a) through (i):

- (a) On or before December 31, 2025 at 5:00 p.m., Respondents shall correct all open “immediately hazardous” and “hazardous” violations covered by the 8/5/24 OTC, the 12/5/24 CO and the 5/27/25 D/O, as listed on an “Appendix A” which Petitioner’s counsel shall upload on NYSCEF within one week of the date of this Decision/Order, with email notice to opposing counsel and the Court (Housing Part T: [BX-HOUSING-528B@nycourts.gov](mailto:BX-HOUSING-528B@nycourts.gov)); AND
- (b) On or before December 31, 2025 at 5:00 p.m., Respondents shall submit documentary proof of correction, including an affidavit of someone with personal knowledge of the correction, for each violation covered by paragraph (a) above, via upload to NYSCEF, with email notice to opposing counsel and the Court; AND
- (c) On or before December 31, 2025 at 5:00 p.m., Respondents shall submit to DHPD all documents required for compliance with HPD’s Heat Sensor Program via upload to NYSCEF, with email notice to opposing counsel and the Court; AND
- (d) On or before January 31, 2026 at 5:00 p.m., Respondents shall hire a duly licensed professional management company, at their own expense, to manage the subject premises until Respondents have purged their contempt and thereafter through the end of the probationary period described below, with such management to be comprised of all activities - including but not limited to collection of rent and payment of expenses – required for the proper management and care of the subject premises. Respondents shall provide proof of such hiring, by affirmation and supporting documents filed on NYSCEF, with email notice to opposing counsel and the Court; AND
- (e) On or before January 31, 2026 at 5:00 p.m., Respondents shall hire competent superintendents sufficient to maintain a building of this size (15 floors, 169 units) who shall have experience operating the boiler, performing routine maintenance and repairs and responding to emergency situations, of which at least one superintendent must live either in the building or within one block or 200 feet of the building and whose contact information shall be readily available to tenants. Respondents shall provide proof of such hiring, by affirmation and supporting documents filed on NYSCEF, with email notice to opposing counsel and the Court; AND
- (f) To correct any pest violations, Respondents shall use integrated pest management measures as required by HMC § 2017.8, and submit to DHPD an executed integrated pest management plan, on a form to be provided by DHPD; AND
- (g) The period from December 1, 2025 until May 31, 2026 shall be deemed a probationary period during which any new violation for insufficient heat or hot water shall be deemed a failure to purge contempt of this Order. Petitioner may

alert the Court to a breach of this paragraph by affirmation filed on NYSCEF, with email notice to opposing counsel and the Court; AND

- (h) If Petitioner objects to the sufficiency of Respondents' proof of compliance with any of the above terms, and/or if Petitioner has countervailing evidence, Petitioner may file their objections and/or evidence via NYSCEF, with email notice to opposing counsel and the Court, and request that the Court schedule a hearing; AND
- (i) After a hearing pursuant to paragraph (h) above, in the event the Court finds that Respondents failed to comply with the above provisions (a) through (g) of this Purge Order, the Court will enter an order lifting the stay on execution of the warrant of arrest and commitment and deliver said warrant to the sheriff to arrest and commit Respondents Singh, Persaud and Campbell to civil jail for 179 days or until they demonstrate purge of their contempt; AND
- (2) It is hereby ORDERED that Respondents are found to be in civil contempt for disobeying the Order to Correct portion of the 5/27/25 D/O; AND
- (3) It is hereby ORDERED that a judgment for \$250 as a fine for this second finding of civil contempt pursuant to Judiciary Law § 773 shall be entered against Respondents, payable to Petitioner and placed as a lien against the premises, 2410 Washington Avenue, Bronx, New York 10458, Block; 3057/Lot: 11; AND
- (4) It is hereby ORDERED that Petitioner is entitled to a judgment for attorneys' fees for the costs of litigating this second contempt motion, in an amount to be determined after Petitioner submits a proposed judgment, to be filed on NYSCEF with email notice to opposing counsel and the Court, payable to Petitioner and placed as a lien against the premises, 2410 Washington Avenue, Bronx, New York 10458, Block; 3057/Lot: 11; AND
- (5) It is hereby ORDERED that Petitioner is entitled to a judgment for civil penalties against Respondents for their failure to correct violations within the deadlines set by the 5/27/25 D/O as to violations issued after October 31, 2024 and covered by the 4/7/25 VSR, in an amount to be determined by the Court after Petitioner submits a proposed judgment, with Respondents permitted to submit a proposed counter judgment within 20 days after Petitioner's submission, such submissions to be filed on NYSCEF with email notice to opposing counsel and the Court, judgment payable to Petitioner and placed as a lien against the premises, 2410 Washington Avenue, Bronx, New York 10458, Block; 3057/Lot: 11; AND
- (6) It is hereby ORDERED that Petitioner is entitled to an award of civil penalties against Respondents for their failure to correct any violations covered by the 8/5/24 OTC and the 12/5/24 CO that are still open, for the period of May 27, 2025 through the date of this Decision/Order, in an amount to be determined by the Court after Petitioner submits a proposed judgment, with Respondents permitted to submit a proposed counter judgment within 20 days after Petitioner's submission, such submissions to be filed on NYSCEF with email notice to opposing counsel and the

- Court, judgment payable to Petitioner and placed as a lien against the premises, 2410 Washington Avenue, Bronx, New York 10458, Block; 3057/Lot: 11; AND
- (7) It is hereby ORDERED that Respondents shall correct any open violations issued after April 7, 2025 that appear on DHPD’s website as of the date of this Decision/Order within the following timeframes: 14 days for “Class C” violations; 30 days for “Class B” violations; and 90 days for “Class A” violations, with all timeframes to run from the date of Petitioner’s filing of a copy of this Decision/Order on NYSCEF with notice of entry; AND
  - (8) It is hereby ORDERED that Respondents are enjoined from interfering with any efforts by DHPD and its contractors to make emergency repairs at the premises; AND
  - (9) It is hereby ORDERED that this proceeding is restored to the Court’s calendar for a conference on **January 5, 2026 at 2:15 p.m.** at which Respondents Singh, Persaud and Campbell **shall appear in person** along with their attorney(s) and be prepared to address the current status of any and all open violations as reflected on DHPD’s website as of one week prior to the conference date; AND
  - (10) Petitioner’s motion for sanctions is restored to the Court’s calendar for conference on **December 2, 2025 at 2:15 p.m.**

This constitutes the Decision and Order of this Court, which is being uploaded to NYSCEF.

Diane E. Lutwak, HCJ

Dated: Bronx, New York  
November 14, 2025

APPROVED  
DLUTWAK , 11/14/2025, 11:23:37 AM

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>
MOTION SEQ. #11	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
	<input type="checkbox"/>		DENIED		OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>
	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>
NOTES	<input type="text"/>				