

Perets, LLC v Riche
2026 NY Slip Op 31279(U)
April 3, 2026
Civil Court of the City of New York, Kings County
Docket Number: Index No. LT-321010-25/KI
Judge: Sulay K. Grant
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Civil Court of the City of New York
County of Kings

Index # **LT-321010-25/KI**



Perets, LLC

Petitioner(s)

Decision / Order

-against-

Johanne M Riche; "John" "Doe"; "Jane" "Doe"

Respondent(s)

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

Papers	Numbered
Order to show Cause/ Notice of Motion and Affidavits /Affirmations annexed	NYSCEF# 6-17
Answering Affidavits/ Affirmations	NYSCEF# 18-20
Reply Affidavits/ Affirmations	NYSCEF# 22-23
Memoranda of Law	_____
Other	_____

Upon the foregoing cited papers, the Decision/ Order on the motion (seq. 1) is granted for the following reason(s):

Respondent files the instant motion seeking the following: dismissal of this holdover proceeding due to Petitioner's violation of the Good Cause Eviction Law (GCEL); sanctions against Petitioner, and Petitioner's counsel, Morris Fateha, Esq. for engaging in frivolous conduct; and for an award of reasonable attorney's fees. Petitioner filed opposition and a cross-motion to amend the notice of termination, and Respondent filed a reply. Upon oral argument, the court denied Petitioner's cross-motion in its entirety and submitted Respondent's motion for further consideration.

This proceeding was filed on August 1, 2025, after the GCEL came into effect. "Thus, for any eviction proceeding commenced on or after April 20, 2024, a petitioner must plead if the housing accommodation is subject to GCEL (see RPAPL 741), and in the case of covered units it must demonstrate a Good Cause ground for removal (see RPL 216)" (*QN St. Albans Holdings LLC v. Sands*, 2024 NY Slip Op 24252, ¶ 2, 219 NYS3d 856, 857-58 [Civ Ct, Queens County 2024]). Additionally, Petitioners must comply with GCEL notice requirements outlined in RPL § 231-c(1), which states in part that the notice to tenant of applicability or inapplicability of the GCEL shall be appended or incorporated into a predicate notice and petition.

Upon review of the court file, Petitioner failed to address GCEL in its predicate notice, and petition, and does not allege service thereof in its affidavits of service for the notice of termination or for the petition. While a petition is amendable, a defective predicate notice cannot be amended and mandates dismissal of the petition. (*Chinatown Apts. v. Chu Cho Lam*, 51 N.Y.2d 786, 788 [1990]). Thus, the proceeding is dismissed.

The court now turns to the other relief sought by Respondent, sanctions and attorney's fees.

Part 130 of the Rules of the Chief Administrator (22 NYCRR) provides that a court, on motion, has the authority to impose sanctions for frivolous conduct in an amount up to 10,000.00 for any single occurrence of frivolous conduct. 22 NYCRR § 130-1.2. More specifically, Part 130-1.1(b) provides that,

"The court, as appropriate, may make such award of costs or impose such financial sanctions against either an attorney or a party to the litigation or against both. Where the award or sanction is against an attorney, it may be against the attorney personally or upon a partnership, firm, corporation, government agency, prosecutor's office, legal aid society

or public defender's office with which the attorney is associated and that has appeared as attorney of record. The award or sanctions may be imposed upon any attorney appearing in the action or upon a partnership, firm or corporation with which the attorney is associated."

And pursuant to Part 130-1.1(c) conduct is frivolous when:

- "(1) It is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law;
- (2) It is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or
- (3) It asserts material factual statements that are false."

This section also mandates that "[i]n determining whether the conduct undertaken was frivolous, the court shall consider, among other issues, the circumstances under which the conduct took place, including the time available for investigating the legal and factual basis of the conduct, and whether or not the conduct was continued when its lack of legal or factual basis was apparent, should have been apparent, or was brought to the attention of counsel or the party." See, 22 NYCRR § 130-1.1(c). "The decision whether to impose costs or sanctions against a party for frivolous conduct, and the amount of any such costs or sanctions, is generally entrusted to the court's sound discretion" (*Cassagnol v. Vill. of Hempstead*, 2023 NY Slip Op 01277, ¶ 3, 214 A.D.3d 766, 769, 186 N.Y.S.3d 230, 233 [2d Dept 2023], citing *Strunk v New York State Bd. of Elections*, 126 AD3d 779, 781 [2d Dept 2015]).

Here, Respondent seeks an award for sanctions and attorney's fees due to Petitioner's, and Petitioner's counsel, Morris Fateha, Esq.'s, frivolous conduct pursuant to 22 NYCRR § 130-1.1(c)(1) particularly in light of notice from Respondent's counsel that Petitioner failed to comply with Section 231-c(1) of the RPL. Upon review of Petitioner's papers in opposition, the court is troubled by Mr. Fateha's inability to correctly interpret the statute in question and further unconvinced by Mr. Fateha's baseless argument that such defect could be amended. It was particularly perplexing to the court that Mr. Fateha used cases in support of amendment of the notice of termination that are easily distinguishable as they do not address the amendment of a predicate notice. The court is further surprised that Mr. Fateha's response to being accused of frivolous conduct was to accuse Respondent's counsel of the same, without any facts to support this allegation. During oral argument before the court, Mr. Fateha presented with misplaced confidence when reciting the arguments from his opposition and cross-motion, but the court could not determine if his lack of judgment was due to willful ignorance or blindness to obvious facts based on inexperience with housing law. In either case, Petitioner's counsel did not show an understanding of GCEL or an understanding of the consequences of a defective predicate notice, and should have shown a higher level of professional integrity. Despite this, considering Petitioner's lack of prior disciplinary history, and all the facts available to this court, the court gives Mr. Fateha the benefit of the doubt, and Respondent's request for sanctions and attorney's fees are denied. However, this court highly encourages Mr. Fateha to take continuing legal education (CLE) courses on the following topics: GCEL; predicate notices in the context of housing law; and ethics. Additionally, should Mr. Fateha ever be accused of professional misconduct in the future, he must disclose this court's decision.

Accordingly, for all the reasons noted above, it is ORDERED, Respondent's motion is granted in part, and the proceeding is dismissed. It is also, ORDERED, Respondent's motion is denied in part as the court declines to grant sanctions and attorney's fees. It is also, ORDERED, Petitioner's counsel, Morris Fateha, Esq., must disclose this court's decision should he be accused of professional misconduct in the future. It is also,

ORDERED, Respondent is to file notice of entry of this Decision and Order on Petitioner and upload proof of service of the same on NYSCEF within seven days of the court uploading it.

Date: April 3, 2026 _____



Hon. Sulay K. Grant
Housing Court Judge