

City of Binghamton v JST Props. LLC
2026 NY Slip Op 32041(U)
May 11, 2026
Supreme Court, Broome County
Docket Number: Index No. EFCA2025001300
Judge: Eugene D. Faughnan
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At a Motion Term of the Supreme Court of the State of New York held in and for the Sixth Judicial District at the Broome County Courthouse, Binghamton, New York, on the 23rd day of January 2026.

PRESENT: HON. EUGENE D. FAUGHNAN
Justice Presiding

STATE OF NEW YORK
SUPREME COURT: COUNTY OF BROOME

THE CITY OF BINGHAMTON,

Petitioner,

DECISION AND ORDER

vs.

Index No. EFCA2025001300

JST PROPERTIES LLC,
TIMOTHY P. CONNOLLY, and
LILLIAN BOMYSOAD,

Respondent.

APPEARANCES:

Counsel for Petitioners:

Elisabeth M. Rossow, Esq.
Assistant Corporation Counsel
City Hall, 5th Floor
38 Hawley Street
Binghamton, NY 13901

Non-appearing Respondents:

Timothy P. Connolly of JST Properties LLC
2906 E. Main Street
Endwell, NY13760

JST Properties LLC
2906 E. Main Street
Endwell, NY13760

Lillian Bomysoad of JST Properties LLC
2906 E. Main Street
Endwell, NY13760

EUGENE D. FAUGHNAN, J.S.C.

This matter is before the Court to consider the motion of Petitioner City of Binghamton, for civil contempt of court against Respondents. Oral argument was conducted, and only counsel for Petitioner was present. After due deliberation, this Decision and Order constitutes the determination of this Court.¹

BACKGROUND FACTS

The Court is already familiar with this dispute, as it has been before the Court twice before. Petitioner filed a Verified Petition in April 2025 to eliminate and correct code violations at 6 Janette Avenue, Binghamton, NY. The subject property is owned by Respondent JST Properties LLC. Lillian Bomysoad is the Operations Manager for JST, and Timothy Connolly is the sole member of JST.

On December 2, 2024, the Code Enforcement Officer for the City of Binghamton issued a Condemnation Notice, and a hearing was conducted on December 9, 2024. Following that hearing, the Hearing Officer issued a Decision and Order on December 17, 2024, concluding that the premises were uninhabitable and directing the premises be vacated within 72 hours. The Hearing Officer issued a Corrected Decision and Order on April 15, 2025.

The City filed a Petition in this Court on April 29, 2025, alleging that the Respondents had failed to correct code violations. Petitioner sought redress including correcting the open code violations, civil penalties and the appointment of a receiver to collect rent and make repairs should Respondents fail to do so. Oral argument was held on the Petition on June 6, 2025, and the Court found that Respondents had not abated the code violations. The Court signed a written Order dated June 10, 2025, directing, among other things, that: Respondent immediately abate hazardous violations, including health and safety violations within 30 days and all other violations within 45 days; directing the payment of \$200 per day for continuing violations, and appointment of a Receiver if the repairs were not made.

¹ The Court has considered all the papers filed in support of the motion, as well as all the other documents contained in the electronic case file.

On August 26, 2025, Petitioner filed a motion for an Administrative Warrant to enter Unit 1 and the basement to determine if the violations still existed in Unit 1 and to determine if any unsafe code violations exist in the basement. Oral argument was held on October 24, 2025, and Respondents did not appear. The Court issued an order on November 7, 2025 for an Administrative Warrant permitting the requested inspection.

Petitioner filed the instant motion on December 12, 2025, and included an affidavit from Code Enforcement stating that an inspection was done on November 20, 2025 which revealed that code violations in Unit 1 had not been corrected and there were even additional violations, and there were also code violations in the basement. The City argues that Respondents have willfully disobeyed the Court's order and that several of the violations create(d) dangerous situations to health and safety. Pursuant to Judiciary Law Article 19 § 753 (A)(8) and Civil Practice Law and Rules § 5104, Petitioner seeks a finding and punishment of Civil Contempt of Court. Petitioner also requested a period of incarceration of thirty (30) days for Respondents CONNOLLY and BOMYSOAD and a judgment in the amount of four hundred thirty-two thousand (432,000.00) dollars per respondent assessed by this Court's Order dated June 10, 2025.

LEGAL DISCUSSION AND ANALYSIS

With respect to contempt, the Judiciary Law provides that:

A court of record has power to punish, by fine and imprisonment, or either, a neglect or violation of duty, or other misconduct, by which 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, in any of the following cases:

In any other case, where an attachment or any other proceeding to punish for a contempt, has been usually adopted and practiced in a court of record, to enforce a civil remedy of a party to an action or special proceeding in that court, or to protect the right of a party.

NYS Judiciary Law § 753(A)(8); *see, El-Dehdan v. El-Dehdan*, 26 NY3d 19, 29 (2015).

A motion to punish a party for civil contempt is within the sound discretion of the trial court. *Chambers v. Old Stone Hill Rd. Assoc.*, 66 AD3d 944, 946 (2nd Dept. 2009); *see, Breskin v. Moronto*, 172 AD3d 1298, 1299 (2nd Dept. 2019). Civil contempt must be proved by clear and

convincing evidence. *El-Dehdan v. El-Dehdan*, 26 NY3d at 29; *Town of Copake v. 13 Lackawanna Props., LLC*, 73 AD3d 1308, 1309 (3rd Dept. 2010). Its purpose is to compensate an injured private party or to ensure compliance with a court's order. "To sustain a civil contempt, a lawful judicial order expressing an unequivocal mandate must have been in effect and disobeyed. Moreover, the party to be held in contempt must have had knowledge of the order, although it is not necessary that the order actually have been served upon the party. In addition, prejudice to the rights of a party to the litigation must be demonstrated." *McCain v. Dinkins*, 84 NY2d 216, 226 (1994) (internal citations omitted); *Town of Copake v. 13 Lackawanna Props., LLC*, 73 AD3d at 1309. Willfulness is not required to be shown in a civil contempt motion. *El-Dehdan v. El-Dehdan*, 26 NY3d at 33-34.

The City's motion for contempt is based on this Court's Order dated and entered on June 10, 2025, which specifically stated that the Respondents were to correct and resolve the outstanding code violations, and that failure to do so would result in having to pay \$200 per day per violation until the violations were corrected, pursuant to the Binghamton City Charter and Code of Ordinances § 265-40 (c). Thus, the City's remedy for Respondents' failure to fix the violations is a sizeable obligation owed by Respondents to the City.

In order to evaluate and calculate the payment due, and to afford Respondents an opportunity to contest any claims that the code violations have not been abated, the Court is referring this matter to a Judicial Hearing Officer to Hear and Determine if there are continuing code violations and the amount of payments due on account of any such violations. A separate Order to Hear and Determine will be issued by this Court.

Any issues raised by the parties and not specifically addressed herein have been found to be without merit.

THIS CONSTITUTES THE DECISION AND ORDER OF THIS COURT.

Dated: May 11, 2026
Binghamton, New York



HON. EUGENE D. FAUGHNAN
Supreme Court Justice