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| <b>RH Marcus Garvey LLC v Dixon</b>                                                                                                                                                                                            |
| 2026 NY Slip Op 32109(U)                                                                                                                                                                                                       |
| June 30, 2026                                                                                                                                                                                                                  |
| Civil Court of the City of New York, Kings County                                                                                                                                                                              |
| Docket Number: Index No. 327950-25                                                                                                                                                                                             |
| 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 *E*

-----X  
RH MARCUS GARVEY LLC,

Petitioner,

-against-

TAYLOR DIXON, ET AL.,

Respondents.  
-----X

Index No. 327950/25

DECISION/ORDER

Mot. seq. no. 1 & 2

WEISBERG, J.:

The following e-filed documents, listed by NYSCEF document number 5-40 (motion no. 1 & 2) were read on these motions to dismiss and amend.

It is ORDERED that Respondent's motion to dismiss is granted.

Limited Liability Company Law 808 and Business Corporation Law 1312 prohibit only "maintain[ing]" an action without having first received authority to do business (*see Matter of Mobilevision med. Imaging Servs., LLC v Sinai Diagnostic & Interventional Radiology, P.C.*, 66 AD3d 685 [2d Dept 2009]). However, Limited Liability Law 206, applicable here, contains no such language. As such, domestic LLCs that have failed to comply with the publication requirements of Limited Liability Law 206 are precluded from "bringing" an action (*Smal Step Day Care, LLC v Broadway Bushwick Builders, L.P.*, 137 AD3d 1102 [2d Dept 2016]). Petitioner's post-commencement "curing" is therefore unavailing.

Petitioner's motion (seq. no. 2) is denied as moot.

This is the court's decision and order.

Dated: June 30, 2026



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Michael L. Weisberg, JHC