

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

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RICHARD ALLEN, et. al,

Index No. HP 1197/2019

Petitioners, Tenants
-against-

219 24th Street LLC, et. al

Respondents, Owners/

**POST HEARING
DECISION AND ORDER**

Landlords

-and-

New York City Department of Housing Preservation and
Development & New York City Department of Buildings

Co-Respondents.

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FRANCES A. ORTIZ, JUDGE

PROCEDURAL HISTORY

This is an HP Action originally brought by petitioners/tenants against the respondents/owners seeking an order to correct conditions that caused the Department of Buildings (“DOB”) on July 2, 2019 to place three separate vacate orders¹ on buildings 219 West 24th Street, 221 West 24th Street, and 223 West 24th Street, New York, NY and for a finding of harassment. After a lengthy trial, Judge Jack Stoller issued a decision and order dated May 6,

¹ Basically, all three of these DOB Vacate Orders required the owners to correct the following conditions: water damage, leaning stairs, excessively sagging floors, some wood joists that were water damaged or split, deteriorated stucco to masonry, deteriorated and sagging roof, and partial first floor collapse. All of these conditions made the buildings unsafe for occupancy.

2020 (“the Order”).² *Allen v. 219 24th St. LLC*, 67 Misc. 3d 1212(A), 126 N.Y.S.3d 854 (N.Y. Civ. Ct. 2020). The Order indicated that DOB had proven its *prima facie* case on the causes of action for an order to correct, that the owners’ defenses were dismissed with prejudice except for the fifth affirmative defense as it sought to have deadlines for correction to run from the date of the Order, that the eleventh affirmative defense was reserved without prejudice to renew in the event any party moved for civil penalties or fines, that the owners must engage in corrective work as may be necessary to effectuate a lifting of the Vacate Order at the later of either six months³ from the date of the Order or six months from the earliest date that such corrective work was lawful in light of the COVID-19 pause, that after finding harassment the owners must pay all six (6) petitioners \$21,000 individually. This amount was based on punitive and compensatory damages derived from the harassment statute. *NYC Adm. Code §27-2115(o)*. Specifically, as to harassment Judge Stoller found that respondents/owners purposely deferred maintenance of these buildings with the goal of emptying out the buildings and such deferred maintenance resulted in their involuntary vacatur, after issuance of the vacate orders.

Petitioners in an Order to Show Cause (“OSC”) dated December 7, 2020 seek civil contempt pursuant to *Judiciary Law §753 (A) (3)* against respondents/owners for failure to comply with the Order of May 6, 2020. Then, upon a finding of civil contempt, petitioners request that the matter be set down for a hearing pursuant to *Judiciary Law §773* on their damages including costs and attorney’s fees. Additionally, respondent/ DOB seeks in their separate OSC also dated December 7, 2020 a finding of civil contempt against Clara Sokol, Abraham Lokshin, 219 24th Street LLC and Amazon Realty Group LLC, for failure to comply

² The full Order contains fifteen (15) separately enumerated orders.

³ The six month deadline was November 6, 2020.

with the Order of May 6, 2020. Thereafter, upon a finding of contempt, DOB seeks civil jail against Clara Sokol and Abraham Lokshin for civil contempt until the owners have fully complied with the Order of May 6, 2020. Lastly, DOB seeks costs and expenses and \$250 fine against 219 24th Street LLC, Amazon Realty Group LLC, Clara Sokol, and Abraham Lokshin for non-compliance with the Order.

This Court decided those motions in a decision dated February 16, 2021 finding that petitioners and DOB made a *prima facie* showing of all four elements of civil contempt. *El-Dehdan v El-Dehdan*, 26 N.Y.3d 19, 29 (2015). Therefore, a hearing for a finding of civil contempt as *prima facie* matter was not needed.

Further, this Court granted petitioners' and DOB's motions to the extent of setting the matter down for a hearing based on an affidavit from the owner's licensed professional engineer, Daniel Siegel who stated that once partial demolition of the buildings began in November 2020, the true conditions of the buildings were discovered and aligned with his prior assumptions that repairing them is "...simply not feasible." (*Siegel Aff'd* ¶ 37). According to Mr. Siegel, after the partial demolition began there was removal of the interior ceiling surface finishes within the public hallways, beneath stairs and other locations in the buildings. Once the finishes were removed, he was able to observe the existing structural framing system and obtained a clearer understanding of the actual conditions in the buildings. As a result, he observed structural conditions which necessitated immediate structural shoring to protect the workers and prevent partial collapse. (*Id.* ¶s 10 & 11). Further, Mr. Siegel claims that enforcing the Order could have a catastrophic impact on workers and that the buildings require complete demolition. (*Id.* ¶s 38 & 39). Hence, the owners claimed that after beginning partial demolition of the buildings in November 2020, their engineer concluded and uncovered that the scope of work relied on by

the Order can not be implemented. Hence, the owners argued that demolition of the buildings is the only option available to them in order to lift the Vacate Orders.

Specifically, this Court's decision indicated that at the hearing respondents/owners may introduce evidence as to their inability to comply with the Order of May 6, 2020. However, the evidence would be limited to what was uncovered in November 2020 and thereafter during the partial demolition of the buildings (*i.e. the structural conditions of the buildings*) and why demolition of the buildings is the only option available to the owners in order to lift the Vacate Orders.

Subsequently, DOB on March 15, 2021 moved to enforce three (3) DOB Commissioner's Emergency Orders dated December 30, 2020 ordering the owners to perform emergency work at the subject buildings that mainly involved façade work. The Court granted the motion to the extent of setting it down for a hearing to be held jointly with the owners' defense to the prima facie finding of contempt.

THE HEARING/EVIDENCE/WITNESSES

As such, this Court conducted a hearing on the motions on May 5, 6, 2021, June 8, 2021, July 19, and 21, 2021. Three witnesses testified, namely, Daniel Siegel for respondents/owners, and Marcos Frias and Donald Friedman for DOB. Petitioners did not call any witnesses. There was an extensive list of exhibits entered into evidence by DOB and the respondents/owners which included engineering reports, photographs, videos, demonstrative diagrams, DOB Commissioner's Orders and emails.

TESTIMONY

Daniel Siegel testified for the respondents/owners. He was deemed qualified as an expert in the field of engineering. Mr. Siegel presented an introductory layout of the three buildings. Each building has its own entrance and contains a four story level with a full basement. There are four units per floor which total forty-eight (48) single room occupancy (“SRO”) units between all three buildings. According to him, the buildings were built in the 1850’s. The exterior of the buildings is a natural stone clay with decorative finished brick masonry, party walls divide the structure and contain wood frames on the floors. Turning to his November 2020 visit to the subject premises, he stated that there was removal of ceiling frames and after the removal it reinforced his prior conclusion. Specifically, he detailed his November 2020 findings in his report dated December 1, 2020 which indicated the need for complete floor and roof framing removal and replacement at all locations, removal of plumbing, heating, electrical and sprinkler components, exposed structural wood framing system exhibits bore severe deflection, heavily bowed and cracked members, disconnected mortise and tenon joints, fire damage not previously known, floor deflection calculated to exceed six (6) times the permissible code limit, and at minimum of 85% of all floor and roof framing members are not in serviceable condition. (*Resp. ’s A in evidence*). In sum, Mr. Siegel opined the following: these repairs can not be done without reconstructing the buildings, it would be “overwhelming” and dangerous to workers, he disagrees with the DOB’s engineer, Donald Friedman, that a repair is plausible, because under his scenario he would “take the building down” or demolish it.

On cross examination Mr. Siegel admitted that certain conditions he observed in November 2020 were not different from his opinion in August 2019⁴, (i.e – severe defection was

⁴ Mr. Siegel’s testimony at the hearing was largely reputative of his trial testimony.

observed in August 2019), that the only work including shoring⁵ that began in the buildings was in November 2020, agreed that shoring does make a building more stable and safe to work for workers, that he observed detached staircase stringers⁶ in November 2020 but did not call for immediate shoring, that he does not know the full extent of the charring in the fire damaged area that was discovered, and admitted that long term water exposure caused masonry damage.

Marcos Frias, the Deputy Director of Forensic Engineering for DOB, testified on behalf of his agency. He initially visited the subject building on November 6, 2020, then on November 12, 2020, November 18, 2020 and December 30, 2020 to inspect the buildings because of a permit the owner had applied for. While he was at the buildings, he observed construction being performed with approximately four (4) to five (5) workers present. The workers were working with poor lighting in the buildings. The lighting was so poor he had to use his own flashlight for guidance. He observed a leak in the basement of 221 West 24th Street, (*Municipal Respondents, Exhibit 29 in evidence, video of leak*), open windows that allowed weathering, joists were exposed and not properly supported, joists were splintering and not only sagging, the stairs were leaning, signs of a previous fire, temporary shoring in the basement was loosened and not properly supported, no pressure on sprinkler system which is a risk with any combustible materials, front facades decay mostly at 221 West 24th Street which had worsened due to inadequate maintained drainage, missing leader in one of the buildings which contributed to vegetation growing over the missing leader. As a result of these observed conditions, DOB

⁵ Shoring is the process of temporarily supporting a building with shores when there is a danger of collapse or during repairs or alterations. Shoring can come from a wood or metal prop and may be placed vertically, angled or horizontal.

⁶ Stringers are the structural members in a stairway that hold or support the stair treads and risers.

ordered the owners to address these conditions. Mr. Frias explained that split joists could be replaced or sistered and that sagging does not necessarily mean structural deficiency.

Donald Friedman also testified for DOB. He was deemed qualified as an expert in the field of engineering. Additionally, Mr. Friedman has vast experience in older buildings including New York City buildings dating as far back as the 1790's. He has authored several books, including one entitled "Historical Building Construction" which is in its second edition. He is the chair of a DOB subcommittee on Construction Code as it relates to old buildings.

Mr. Friedman credibly testified that the subject buildings were constructed in 1854, made of wood, typically of mid-19th century wood. The mid-19th century wood is made of yellow pine as opposed to the wood currently used which is made from Douglas fir. The buildings in the 1850's consisted of mortise and tenon⁷ which creates an advantage in construction because they are easier to connect by a carpenter. He visited the subject buildings in October 2019, then in late 2020 and in early 2021. During his October 2019 visit, he made the following observations: roof leaks in center of the buildings that need water proofing due to old drainage not working, front of buildings in good condition, middle part of the buildings are in poorer condition because this is where the stairs and bathrooms are located which causes bulging, and the rear of the buildings are in reasonably good condition. Mr. Friedman explained how lateral and side walls support the floors. Joist also known as small repetitive "beams" and are a secondary support to a beam, they directly support the subfloors and run left to right to hold the load. Loads are classified as dead loads and live loads. Dead loads are permanent loads which

⁷ Mortise and tenon joints connect two pieces of wood or other material and can be used to hold together wood frame buildings.

result from the weight of the structure itself and live loads are temporary loads that are applied to the structure such as weight of people and furniture.

DOB introduced into evidence demonstrative diagrams to explain to the Court how a shorter joists, header and trimmers work together. Trimmers support the header and support greater weight. (*Municipal Resp. Exhibits 40, 41 and 42*).

According to Mr. Friedman, the subject buildings can be safely repaired in order to lift the Vacate Orders of July 2, 2019, even after his visits in late 2020 and early 2021. Mr. Friedman testified to a very methodical sequence plan to address the conditions. First, the owners would file repair drawings with DOB to obtain permits. Second, they would begin by scaffolding the front and rear facades to make work safe without the stair use. Second, the workers would place temporary water proofing over the roof and asphalt it. Third, there would be a need to address the front and rear façade so that the walls will not bulge. Fourth, pointing work would have to been done to last for at least a twenty year (20) cycle using mortar replacement. Thereafter, once all the exterior work is completed, then the interior work can begin. Within the interior, the first concern would be to clear all the “mount” of garbage and debris in the building. Then, there must be ceiling removal in each of the buildings, joist by joist with a decision on whether the joist must be either replaced/ledged, sistered ⁸ or left intact. This work would start from top to bottom (i.e, fourth floor, third floor, second floor, and first floor). Thereafter, the windows and plumbing would be addressed. Once all this is done, Mr. Friedman testified the building would be habitable. He estimated that this work would take four (4) months with a five (5) day normal work week. In terms of safety, the work must be done in

⁸ Sistering is adding an extra floor joist to a damaged or inadequate floor joist and tying the two together with screws or nails. It is a very effective way of adding the additional strength needed to hold up a sagging floor.

compliance with *Chapter 33 of the Building Code-During Construction or Demolition* and *OSHA rules*.

DISCUSSION

To prevail on a motion to hold a party in civil contempt, the movant is required to prove by clear and convincing evidence certain elements. The elements necessary to support a finding of civil contempt are as follows: “First, it must be determined that a lawful order of the court, clearly expressing an unequivocal mandate, was in effect. Second, it must appear, with reasonable certainty, that the order has been disobeyed. Third, the party to be held in contempt must have had knowledge of the court's order, although it is not necessary that the order actually have been served upon the party. Fourth, prejudice to the right of a party to the litigation must be demonstrated.” (*El-Dehdan v El-Dehdan*, 26 N.Y.3d 19, 29 [2015] [internal quotation marks, citations and brackets omitted]; see *Matter of McCormick v Axelrod*, *supra.*; *Rubin v Rubin*, 78 A.D.3d 812 [2nd Dep’t 2010]; *Alderman v Alderman*, 78 A.D.3d 620 [2nd Dep’t 2010]; *Judiciary Law* § 753 [A]). Lastly, there must be a showing that the contemnor’s behavior and contempt of the order actually did defeat, impair, impede, and prejudice the rights and remedies of the aggrieved party. *El-Dehdan v El-Dehdan*, *supra.*

As far as civil contempt is concerned, the purpose of a fine is to compensate. The fines that may be imposed for a civil contempt are found in *Judiciary Law* § 773. The statute provides for two types of awards: one where actual damage has resulted from the contemptuous act in which case an award sufficient to indemnify the aggrieved party is imposed, and one where the complainant's rights have been prejudiced but an actual loss or injury is incapable of being established. Under those circumstances, the fine is limited to \$250, plus the complainant's costs

and expenses. Furthermore, *Judiciary Law* § 770 provides that the punishment for civil contempt may consist of fine or imprisonment or both.

Here, based on the affidavits and exhibits considered in the instant contempt motions, the following is *undisputed*: that Judge Jack Stoller's after trial Order of May 6, 2020 is a lawful order of the court expressing an unequivocal mandate to lift "...the Vacate Order at the later of either six months from the date of this order [November 6, 2020] or six months from the earliest date that such corrective work is lawful...." and to ".....stabilize the subject premises and return Petitioners to their homes as soon as possible, lifting the Vacate Order by the means set forth in DOB's expert's report would certainly effectuate that objective faster and cheaper....," that with reasonable certainty the respondents/owners have disobeyed the Order by failing to lift the Vacate Orders⁹ and pay each petitioner the \$21,000 judgment, that the respondents/owners have knowledge and notice of the Order of the May 6, 2020 sent to all parties by the Court, and that petitioners were prejudiced as they have not yet been restored to their homes, despite the six month deadline of November 6, 2020 ordered by the Court nor have they been paid the \$21,000 judgment.

Additionally, municipal respondent/DOB is another aggrieved party to this proceeding who has been prejudiced by respondents'/owners' failure to lift the Vacate Orders. DOB has a right and obligation under the law to enforce the Building and Administrative Codes in order to enforce housing standards and protect public safety standards free from unsafe conditions. Any conduct that intervenes with the enforcement of these laws constitutes prejudice to the municipal

⁹ The record is clear that respondents/owners never moved for an extension of time to lift the Vacate Order, although the Order explicitly indicated that they could move to extend the six month deadline, upon good cause shown.

agency. *Allen v. Rosenblatt*, 5 Misc. 3d 1032(A), 799 N.Y.S.2d 158 (Civ. Ct. NY Cty 2004); *Dep't of Hous. Pres. & Dev. of City of New York v. Living Waters Realty Inc.*, 14 Misc. 3d 484, 487, 827 N.Y.S.2d 627 (Civ. Ct. NY Cty 2006). As such, petitioners and DOB have demonstrated a *prima facie* showing by clear and convincing of civil contempt.

Now, after having conducted this hearing and based on the evidence and credible testimony of the witnesses, the respondents/owners have failed to establish the existence of a defense to the petitioners' and DOB's motion for civil contempt. *Lundgren v. Lundgren*, 127 A.D.3d 938, 940 (2nd Dep't 2015); *El-Dehdan v. El-Dehdan*, *supra*; *Bowie v. Bowie*, 182 A.D.2d 1049, 1050 (3rd Dep't 1992).

Specifically, respondents/owners at the hearing failed to establish their inability to comply with the Order of May 6, 2020 nor that they uncovered in November 2020 new structural circumstances that were unknown before then, except for some minimal evidence of fire damage.¹⁰ They did not justify that demolition of the buildings was the only option available to lift the Vacate Orders. The owners' sole witness, Daniel Siegel, essentially testified to the same observations from the trial before Judge Stoller, i.e. that 85 % of the joists in the building need replacement,¹¹ that floors were sagging, bowing and deflecting, and that the central part of the buildings carries a huge load.

Moreover, respondents/owners' contempt of the Order actually did defeat, impair, impede, and prejudice the rights and remedies of petitioners who have yet to be restored to their

¹⁰ Fire damage was discussed in the trial before Judge Stoller by both expert engineers. *Pg. 21 and Pg. 27 of the decision.*

¹¹ This is disputed by DOB.

homes more than nine (9) months, since the November 6, 2020 deadline and more than two (2) years since the July 2, 2019 Vacate Orders nor have they been paid the \$21,000 judgment awarded to them in the Order. As such, respondents/owners are in civil contempt of the May 6, 2020 (“the Order”) of Judge Jack Stoller.

Petitioners under *Judiciary Law* §773 are entitled to a hearing on actual loss and damages, since in their affidavits in support of the motion they have facially shown actual damages. Specifically, they detailed their relocation hardships and failure of the respondents/owners to pay them the \$21,000 judgment awarded by Judge Stoller in his decision and now are entitled to interest. (*NYSCEF* 10, 11 & 12). Additionally, *Judiciary Law* § 773 has been held to allow the recovery of attorney’s fees¹² and costs in the calculation of actual damages suffered by a party as a result of civil contempt. *Jamie v. Jamie* 19 A.D.3d 330, 1st Dep’t 2005. Likewise, DOB under *Judiciary Law* §773 is entitled to a \$250 fine plus costs and expenses, since they are not asserting actual damages. A fine pursuant to this section may include attorney’s fees. *Khan v. Khan*, 140 A.D.3d 1252, 1254–55 (3rd Dep’t 2016).

This Court during the hearing considered the testimony of respondents’/owners’ expert engineer, Daniel Siegel with particular focus on his testimony of what he uncovered at the subject buildings in November 2020 and thereafter.

After having heard expert testimony for several days, it is this Court’s impression that Mr. Siegel in his professional opinion prefers and emphatically recommends demolition of the subject buildings versus their repair for many reasons. Based on his testimony, he believes it is

¹² To the extent that petitioners are seeking attorney’s fees it must be noted that Judge Stoller in his after trial Order granted petitioners’ request for attorney’s fees to the extent of calendaring it. However, the record does not reflect that petitioners have yet restored the matter for such relief.

just too “overwhelming” to repair, not worth the effort, demolition is a “cleaner” solution, he has always had reservations on whether the buildings could be repaired, and he “...never believed it could be possible the repairs could be done.” He clearly has always been incapable of considering any repair work to the buildings, other than demolition. Additionally, he consistently referred to the safety of workers as a pretextual basis to support his conclusion of demolition. However, demolition of the buildings could potentially pose the same or worse worker safety issues, if proper safety procedures are not followed. Actually, based on the testimony of Marcos Frias, it was the owners who placed workers at risk with poor lighting, active leaks and insufficient shoring, during the November 2020 work. Nevertheless, Mr. Siegel is entitled to his professional opinion and engineering methodology to address lifting the Vacate Orders.

Although the Court notes that, “....where conflicting expert testimony is presented the trier of fact is entitled to accept one expert's opinion and reject that of another, and the trier of fact's resolution of the credibility of conflicting expert testimony is entitled to great weight.” *Ruggiero v. Ruggiero*, 143 A.D.3d 964, 965 (2nd Dep’t 2016).

Accordingly, this Court need not adopt Mr. Siegel’s recommended solutions especially where there was credible testimony from another expert engineer on how to address lifting the Vacate Orders. Engineering expert, Donald Friedman, proposed a different engineering methodology. His method would address repairing the buildings instead of demolishing them. The repair work applied would reinstate the structural integrity of the buildings while simultaneously protecting the workers’ safety. *Chapter 33 of the Building Code- During Construction and Demolition* and *OSHA rules*. It is incumbent on the owners to hire and supervise workers who will follow these safety precautions. Further, this proposal comes from

an engineer with extensive special knowledge and practice of older New York City buildings dating back to the 1790's. This Court finds comfort relying on such a safe practicing and methodical approach provided from an expert with such multifaceted engineering knowledge and practice. Clearly, this is all collectively relevant to the instant buildings which were constructed in 1854. As such, this Court accepts the expert opinion of Donald Friedman and rejects that of Daniel Siegel. *Ruggiero v. Ruggiero, supra*.

DOB'S MOTION TO ENFORCE EMERGENCY REPAIRS

DOB moves to enforce three (3) of their Commissioner's emergency orders dated December 30, 2020. These Orders require performance of emergency work at the subject buildings mainly involving façade work. According to DOB, the respondents/owners on December 30, 2020 were ordered to immediately repair or replace the front façades. (*NYSCEF Doc. 49, Exhibit B – to motion*). Specifically, the three orders indicated severe defects at the front facades, including outer solid masonry around front drain leaders in severe disrepair, that the facades are weathered, displaced, bulged, and have mortar missing, and that brick work at front façade presents diagonal/step/vertical cracks. (*Exhibit D to motion*). The remedy proscribed was to “immediately hire a [New York State professional engineer] and contractor to repair/replace front façade.”

After having conducted on hearing on the motion, this Court enters an Order pursuant to *New York City Civil Court Act §110 (c)* directing respondents/owners, within 30 days of the date of this decision with notice of entry, to perform the remedy required by the DOB Commissioner on the three emergency orders dated December 30, 2020 with control numbers 303748, 303749 and 303750. (*NYSCEF Doc. 53, Exhibit D*).

Accordingly, DOB's motion to enforce the DOB Commissioner's orders to perform emergency work is granted.

Accordingly, it is

ORDERED: that petitioner and DOB's motions for civil contempt against respondents/owners is granted, and it is further

ORDERED: that the matter will be set for a hearing on petitioners' actual loss and damages at a later date to be determined by the Court and the parties, and it is further

ORDERED: that respondents/owners, 219 24th Street LLC, Amazon Realty Corp. LLC, Clara Sokol and Abraham Lokshin are individually held in civil contempt and are individually fined the sum of \$250 to be paid to DOB, New York City Law Department, 100 Church Street, 20th floor, New York, NY 10007, c/o Commissioner of the NYC, Department of Finance, within thirty (30) days of service of a copy of this order with notice of entry on the respondents/owners, and the matter will be set for a hearing to determine DOB's costs, expenses and attorney's fees at a later date to be determined by the Court and the parties, and it is further

ORDERED: that respondents/owners are to comply with the Order of May 6, 2020. and it is further

ORDERED: that respondents/owners may purge their contempt by complying with the Order dated May 6, 2020, within 180 days of being served a copy of this Order with notice of entry, and it is further

ORDERED: that respondents/owners are to file with the court via NYSCEF by the 28th day of the month, monthly progress reports on the status of the work being done to lift the Vacate Orders beginning September 28, 2021 and ending February 28, 2022, and it is further

ORDERED: that respondents/owners are to appear for bi-monthly status conferences with the Court or court attorney beginning September 2021 and ending March 31, 2022, at a later date to be determined by the Court and the parties, however, the September 2021 status conferences will be held on September 14, 2021 at 2:30 p.m. and September 27, 2021 at 2:30 p.m., and it is further

ORDERED: that upon failure to comply, petitioners and DOB may make an application to the Court which will result in any sworn Sheriff of any County of New York State, to apprehend and arrest ¹³ respondents, Clara Sokol and Abraham Lokshin, and to keep her and him committed in custody in the common or county jail in which he or she be found and within forty-eight (48) hours from the time of arrest, exclusive of weekends and holidays, and for her and him to be brought before the undersigned for a hearing at Part B, New York County, Civil Court, Room 583 at 111 Centre Street, New York, NY 10013, and it is further

ORDERED: DOB's motion to enforce the DOB Commissioner's orders to perform emergency work is granted and respondents/owners are to perform the remedy required by the DOB Commissioner on the three emergency orders dated December 30, 2020 with control numbers 303748, 303749 and 303750 within 30 days of the date of this decision with notice of entry.

This is the decision and order of this court. Copies of this decision will be uploaded to NYSCEF and emailed to the parties indicated below.

¹³ DOB in their post hearing brief (*NYSCEF, Doc. 57, pg. 23*) asked the Court to defer jailing the individual respondents/owners, conditioned on monthly progress reports by the owners and bi-monthly status court conferences. As such, any application to the Court to apprehend and arrest respondents, Clara Sokol and Abraham Lokshin, shall be accompanied with an affirmation or affidavit detailing non-compliance with progress reports and court conferences.

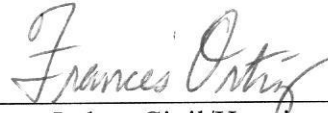
Date: September 2, 2021

New York, NY

CIVIL COURT OF THE
CITY OF NEW YORK

SEP - 2 2021

ENTERED
NEW YORK COUNTY



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Judge, Housing Court

Judge, Civil/Housing Court
Frances Ortiz

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