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2023-06-14

Russell v. Ture

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Civil Court of the City of New York

County of NY
Part 1

Index Number 50040/23

Motion Cal. # _____ Motion Seq. # _____

DECISION/ORDER

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

Russell

Claimant(s)/Plaintiff(s)/Petitioner(s)
against

Ture

Defendant(s)/Respondent(s)

| Papers | Numbered |
|--|----------|
| Notice of Motion and Affidavits Annexed..... | <u>1</u> |
| Order to Show Cause and Affidavits Annexed.... | _____ |
| Answering Affidavits | _____ |
| Replying Affidavits..... | _____ |
| Exhibits | _____ |
| Other..... | _____ |

Upon the foregoing cited papers, the Decision/Order on this Motion to dismiss

case

is as follows:

Motion to dismiss is granted for the following reasons:

No petition + notice of petition appear to have been served, + no affidavits of service have been filed.

The notice of Termination states ~~that~~ Respondent is both a "tenant" + a "licensee", and also states "Ture will commence the proceeding". Additionally, the affidavit of service for the 30-day was not dated 9/30/22 but served 10/29/22. These errors are not amendable + the case is, therefore dismissed, motion is granted.

6/14/23
Date

[Signature]
Judge, Civil Court
ELEANORA OFSHEIN
JUDGE, HOUSING COURT