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2023-08-15

### 1155 East 165th LLC v. Dejesus

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"1155 East 165th LLC v. Dejesus" (2023). *All Decisions*. 1177.  
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[22]

Civil Court of the City of New York  
County of Bronx

Index # LT-325585-22/BX



1155 East 165th LLC

Petitioner(s)

Decision / Order

-against-

Annette Dejesus

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	1
Answering Affidavits/ Affirmations	1
Reply Affidavits/ Affirmations	_____
Memoranda of Law	_____
Other	_____

Upon the foregoing cited papers, the Decision/ Order on the (order to show cause) is (denied) for the following reason(s):

AFTER ARGUMENT, WITH WRITTEN OPPOSITION, PETITIONER’S MOTION IN DENIED.

THIS MATTER WAS INITIALLY SETTLED BY A TWO ATTORNEY STIPULATION IN COURT ON 5/10/23. PARTIES AGREED THAT \$12,125.35 WAS DUE IN RENT THROUGH 5/31/23, TO BE PAID BY JUNE 25, 2023.

ON JUNE 8, 2023, RESPONDENT’S COUNSEL EMAILED AND ATTACHED TO PETITIONER’S ATTORNEY TWO HRA DOCUMENT/FORMS REQUIRED TO BE FILLED OUT BY PETITIONER, SO THAT RESPONDENT WOULD BE ABLE TO APPLY TO THE CITYFHEPS PROGRAM FOR THE ARREARS. HAVING RECEIVED NO RESPONSE FROM PETITIONER’S COUNSEL, THE LEGAL AID SOCIETY AGAIN EMAILED OPPOSING COUNSEL ON 6/23/23 TO FOLLOW UP ON THE PREVIOUS REQUEST. HAVING NO RESPONSE ON THE SECOND REQUEST, LEGAL AID AGAIN EMAILED OPPOSING COUNSEL ON 7/3/23, STATING AGAIN THAT THE FORMS WERE REQUIRED SO THAT RESPONDENT COULD OBTAIN THE ARREARS.

THEREAFTER, ON 7/21/23, PETITIONER’S COUNSEL FILED THE INSTANT MOTION TO RESTORE, SEEKING A FINAL JUDGMENT FOR THE UNPAID ARREARS AND A WARRANT OF EVICTION. UPON RECEIPT OF THAT MOTION, RESPONDENT’S COUNSEL, ON 7/21/23, AGAIN REACHED OUT TO PETITIONER, IN AN ATTEMPT TO OBTAIN THE REQUIRED FORMS.

TO DATE, RESPONDENT’S COUNSEL HAS NOT RECEIVED ANY RESPONSE FROM PETITIONER’S ATTORNEY, NOR DOES PETITIONER’S MOTION EVEN ADDRESS OR ACKNOWLEDGE THE REQUESTS FROM RESPONDENT’S COUNSEL.


THE OF COUNSEL ATTORNEY APPEARING TODAY ON BEHALF OF PETITIONER STATES HE HAD NOT RECEIVED ANY SPECIFIC INSTRUCTIONS REGARDING THE MOTION AND PROCEEDING, OTHER THAN TO “COVER THE CASE”. NOR COULD THE OF COUNSEL ATTORNEY REACH THE PETITIONER’S ATTORNEY’S OFFICE OR ATTORNEY FOR UPDATED INSTRUCTIONS REGARDING THE MATTER.

RESPONDENT'S COUNSEL TODAY IN COURT TENDERS THOSE SAME FORMS TO PETITIONER'S COUNSEL, NEEDED SO THAT RESPONDENT MAY APPLY TO CITYFHEPS AND OBTAIN THE FUNDS TO PAY ALL RENT CURRENTLY DUE.

IN LIGHT OF THE ABOVE, PETITIONER'S MOTION IS DENIED, WITHOUT PREJUDICE.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

Date: August 15, 2023



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Hon. Arlene H. Hahn  
Housing Court Judge

**ENTERED**  
August 15, 2023  
Bronx  
Housing Court