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17th & 10th Assoc., LLC v Corley

2024 NY Slip Op 30925(U)

March 20, 2024

Supreme Court, New York County

Docket Number: Index No. 154588/2022

Judge: Arthur F. Engoron

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
17TH AND 10TH ASSOCIATES, LLC

Index No: 154588/2022

Plaintiff,

-against-

ORDER
Motion Sequence 003

TIFFANY CORLEY

Defendant.
-----X

Plaintiff 17TH AND 10TH ASSOCIATES, LLC (APlaintiff@), having moved by Order to
Show Cause for:

A preliminary injunction enjoining and restraining Defendant Tiffany Corley (hereafter, "Defendant Corley" or "Defendant Tiffany Corley") from entering, accessing, and occupying the Apartment known as Apartment 316 ("Premises") in the Building located at 450 West 17th Street, New York, New York, for the duration of repairs to be performed in the Premises by Plaintiff in accordance with the Order of this Court dated July 20, 2023;

An Order directing Defendant Corley to remove her possessions from the Premises for the duration of any repairs in accordance with the Order of this Court dated July 20, 2023;

An Order authorizing Plaintiff and/or its agents to enter the Premises, remediate any clutter conditions existing in the Premises as Plaintiff deems appropriate, and remove/store the remaining possessions of Defendant Corley for the duration of the repairs if Defendant Corley fails to remove her possessions from

the Premises for Plaintiff to make the repairs in accordance with the Order of this Court dated July 20, 2023;

An Order authorizing Plaintiff to use self-help to enter the Premises and change the locks to the Premises if Defendant Corley is not present in the Premises, in the event Defendant Corley fails to provide unfettered access to the Premises for Plaintiff to perform the repairs in accordance with the Order of this Court dated July 20, 2023, or for Plaintiff to carry out any order issued by the Court for the relief requested herein;

An Order directing the New York City Sheriff's Office (or any other appropriate governmental authority) to remove Defendant Corley from the Premises, change the locks to the Premises, and bar Defendant Corley from the Premises for the duration of the repairs in the event Defendant Corley fails to provide unfettered access to the Premises for Plaintiff to perform the repairs in accordance with the Order of this Court dated July 20, 2023 or comply with any order issued by the Court for the relief requested herein;

This Court having previously issued an Order dated July 20, 2023 granting Plaintiff's prior applications in Motion Sequence 1 and Motion Sequence 2, for an Order compelling Defendant Corley to provide Plaintiff and its maintenance staff, workers and contractors unfettered access to the Premises for the purpose of inspecting and repairing the floor, sheetrock and any damage resulting from flooding that occurred in the Premises, installing a new entrance door, and correcting any violations and hazardous conditions in the Premises, and for the purpose of inspecting and assessing Defendant's request for a walk-in shower in the Premises; enjoining and restraining Defendant Corley from installing and erecting or maintaining any type of door blocking

or door jamming device at the entrance of the Premises; granting leave to amend the complaint; and directing that Defendant Corley correct and abate the hazardous conditions in the Premises caused by extreme clutter;

The Court having held a virtual hearing on Motion Sequence 3 on March 8, 2024, and Plaintiff having appeared by David P. Haberman, Esq., Defendant having appeared pro se, and HPD having appeared by Seth Motel, Esq;

The Court having considered the affirmation of David P. Haberman, dated January 25, 2024, the affidavit of Michael Hiller sworn to January 25, 2024, and the exhibits annexed thereto in support of Motion Sequence 3;

This Court finds that Defendant Corley did not comply with the Order dated July 20, 2023 in that Defendant Corley has failed to provide unfettered access for Plaintiff to correct and abate the hazardous conditions in the Premises based upon Defendant Corley's willful disregard of this Court's Order dated July 20, 2023, thereby preventing Plaintiff and its maintenance staff and contractors from inspecting and repairing the floor, sheetrock and damage resulting from flooding that occurred in the Premises, preventing Plaintiff from installing a new entrance door to the Premises, preventing Plaintiff from correcting violations and hazardous conditions in the Premises and from inspecting and assessing Defendant's request for a walk-in shower;

IT IS HEREBY ORDERED, that Plaintiff's Motion Sequence 3 is granted to the following extent:

IT IS HEREBY ORDERED, that Defendant Corley be enjoined and restrained from entering, accessing, and occupying the Premises known as Apartment 316 in the Building located at 450 West 17th Street, New York, New York, 10011, commencing April 8, 2024 and continuing

until such time that Plaintiff completes the repairs in accordance with the Order of this Court dated July 20, 2023, specifically: repairing the floor, sheetrock and any damage resulting from flooding that occurred in the Premises, installing a new entrance door, correcting any violations and hazardous conditions in the Premises, and inspecting and assessing Defendant's request for a walk-in shower at the Premises (the "Repairs");

IT IS HEREBY ORDERED, that on or before April 7, 2024, Defendant Corley shall remove all her possessions from the Premises for the duration of the Repairs so as to provide the required unfettered access;

IT IS HEREBY ORDERED, that in the event Defendant Corley fails to remove her possessions from the Premises as of April 8, 2024, Plaintiff, its agents, employees and contractors are granted leave to enter the Premises, remediate any clutter conditions existing in the Premises as Plaintiff deems appropriate, and remove from the Premises and store Defendant Corley's remaining possessions for the duration of the Repairs;

IT IS HEREBY ORDERED, that in the event Defendant Corley fails to comply with any order above, and if Defendant Corley is not present at the Premises, Plaintiff, Plaintiff's employees, contractors and/or agents (including, without limitation, locksmiths, construction contractors, and movers) are hereby authorized as of April 8, 2024, to use self-help to enter the Premises, change the locks to the Premises, and to remove and store the possessions therein pending the completion of the Repairs;

IT IS HEREBY ORDERED, that in the event Defendant Tiffany Corley fails to comply with any order above, the Office of the Sheriff of the City of New York (the "Sheriff") is hereby directed to enforce this Order and the Court's July 20, 2023 Order by, including but not limited to,

entering the Premises on April 8, 2024, or within 30 days thereafter, and if necessary removing Defendant Tiffany Corley from the Premises and keeping Defendant Tiffany Corley from re-entering the Premises for such time as is required for Plaintiff, Plaintiff's employees, contractors and/or agents (including, without limitation, locksmiths, construction contractors, and movers) to remove all possessions from the Premises, change the locks to the Premises, and complete the Repairs at the Premises;

IT IS HEREBY ORDERED that the Sheriff is further authorized to enter the Premises forcibly and remove Defendant Tiffany Corley from the Premises forcibly and has the authority to break the Premises' entrance door in furtherance of this authority;

IT IS HEREBY ORDERED that the Sheriff is further directed to arrest Defendant Tiffany Corley and bring her before this Court in the event that Defendant Tiffany Corley resists the efforts of Plaintiff, Plaintiff's employees, contractors and/or agents, and/or the Sheriff from carrying out the terms of this Order and the July 20, 2023 Order.

Dated: New York, New York
March 20, 2024

MAR 20 2024

HON. ARTHUR F. ENGORON, J.S.C.



HON. ARTHUR F. ENGORON
J.S.C.