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2024-10-23

### Stanhope Estate LLC v. Dominquez

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Civil Court of the City of New York  
County of Kings

#3

Index # LT-313503-24/KI



Stanhope Estate LLC

Petitioner(s)

**Decision / Order**

-against-

Christopher Dominguez

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	NYSCEF 8
Answering Affidavits/ Affirmations	_____
Reply Affidavits/ Affirmations	_____
Memoranda of Law	_____
Other	_____

Respondent filed this Order to Show Cause seeking to be restored to possession of the subject premises after a default judgment was entered against him. This is a nonpayment proceeding and the papers were properly served.

Petitioner failed to appear by 10:30 which, pursuant to the Part Rules, constitutes a default for all cases on its 9:30 AM calendar. When the court spied Petitioner’s counsel, Scott Gross, Esq., walking by the door to the courtroom, the Court instructed his court officer to inform Mr. Gross that he would be checked in for his case, but to please prioritize it as it is a post-eviction Order to Show Cause. The court officer reports that when he approached Mr. Gross in the hallway in front of the courtroom to make this request, Mr. Gross was heard to say that the Court should “go fuck himself.” Mr. Gross then took forty minutes to appear on this Order to Show Cause.

Mr. Gross, to his credit, was apologetic when confronted with what he said to the officer, explaining that he had had a rough morning due to some personal issues and having missed a train. However, Ms. Gross is an officer of the court who has practiced landlord/tenant law for

more than twenty years. He should know better than to direct such language at the Court, especially in front of the door to the courtroom as litigants come and go. The Court cannot condone such behavior, as it demeans the Court, its officers, and the New York judicial system as a whole.

The Court withdraws the courtesy granted to Mr. Gross in choosing not to enforce its default call against him. Certainly, Mr. Gross has extended no such courtesy to the Court. The motion is granted on default. The judgment and warrant are vacated and the Respondent is to be restored to possession forthwith. The matter is adjourned to December 9, 2024, at 9:30 for all purposes. The court will refer Respondent to HRA for arrears assistance and OCJ for possible representation.

Moreover, the Court orders that Mr. Gross present cause on December 9, 2024, at 9:30 AM why the Court should not impose sanctions against Mr. Gross and whether a referral should be made to the disciplinary committee. Mr. Gross is to present papers to the Court presenting such cause no later than December 1, 2024. If Mr. Gross would like a hearing to determine exactly what was said, he may request such a hearing in these papers.

It gives the Court no pleasure to contemplate further action against Mr. Gross. Though he is known for sometimes brash behavior, he has often conducted himself civilly while arguing in front of the Court. And certainly, the Court can understand how personal issues can cause one to say things that might better be left unsaid. But hotheadedness can have consequences.

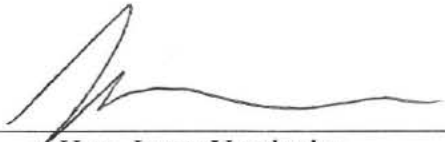
ORDERED: Respondent's Order to Show Cause is GRANTED. Respondent to be restored to possession forthwith.

ORDERED: this matter is adjourned to December 9, 2024 at 9:30 AM for all purposes and for Scott Gross, Esq. to present cause as to why he should not be sanctioned or referred to the disciplinary committee.

This is the decision and order of the court, which will be hand-delivered to the Respondent and posted to NYSCEF.

Date: 10/23/24

Civ-GP-85

  
\_\_\_\_\_  
Hon. Jason Venzules  
Housing Court Judge