

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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SUNDEEP SINGH SUCHDEV, LUCAS SHAPIRO,  
SHRUTI PAREKH, JESSICA TURNER, LILI  
SALMERON, and SANJEEVAN THARMARATAM

Index No. 518435/20

NOTICE OF APPEAL

Plaintiffs-Respondents,

-against-

JUDITH GRUNBAUM, MOSHE DEUTSCH, SAMUEL  
GRUNBAUM, and YHT MANAGEMENT INC.

Defendants-Appellants.  
-----X

PLEASE TAKE NOTICE that defendants Judith Grunbaum, Moshe Deutsch,  
Samuel Grunbaum, and YHT Management Inc., hereby appeal to the Appellate  
Division, Second Department, 45 Monroe Place, Brooklyn, New York, from the order  
of the Hon. Francois A. Rivera, Supreme Court, Kings County entered February 8,  
2021 in this action and from each and every part thereof.

Dated: New York, New York  
March 3, 2021

Yours, etc.

BORAH, GOLDSTEIN, ALTSCHULER,  
NAHINS & GOIDEL, P.C.



\_\_\_\_\_  
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# Supreme Court of the State of New York

## Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

<b>Case Title:</b> Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		<b>For Court of Original Instance</b>	
SUNDEEP SINGH SUCHDEV, LUCAS SHAPIRO, SHRUTI PAREKH, JESSICA TURNER, LILI SALMERON, and SANJEEVAN THARMARATAM  <p style="text-align: center;">Plaintiffs-Respondents,</p> <p style="text-align: center;">-against-</p> JUDITH GRUNBAUM, MOSHE DEUTSCH, SAMUEL GRUNBAUM, and YHT MANAGEMENT INC.  <p style="text-align: center;">Defendants-Appellants.</p>		Date Notice of Appeal Filed	
<b>Case Type</b>		<b>For Appellate Division</b>	
<input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration	<input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278	
<b>Nature of Suit:</b> Check up to three of the following categories which best reflect the nature of the case.			
<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input checked="" type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Appeal	
Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment
<input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment	<input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: Supreme Court	County: Kings
Dated: 01/29/2021	Entered: February 8, 2021
Judge (name in full): Francois A. Rivera	Index No.: 518435/2020
Stage: <input checked="" type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
Prior Unperfected Appeal and Related Case Information	
Are any appeals arising in the same action or proceeding currently pending in the court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.	
Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:	
Original Proceeding	
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:	
Proceeding Transferred Pursuant to CPLR 7804(g)	
Court: Choose Court	County: Choose County
Judge (name in full):	Order of Transfer Date:
CPLR 5704 Review of Ex Parte Order:	
Court: Choose Court	County: Choose County
Judge (name in full):	Dated:
Description of Appeal, Proceeding or Application and Statement of Issues	
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.	
Appeal from order granting, in part, plaintiff's motion for a preliminary injunction.	

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

The order should be reversed because plaintiffs did not satisfy the grounds for the relief requested. The order grants a portion of the ultimate relief requested in the action and the court misapprehended the Administrative Code provision upon which it is based.

### Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Sundeep Singh Suchdev	Plaintiff	Respondent
2	Lucas Shapiro	Plaintiff	Respondent
3	Shruti Parekh	Plaintiff	Respondent
4	Jessica Turner	Plaintiff	Respondent
5	Lili Salmeron	Plaintiff	Respondent
6	Sanjeevan Thamaratam	Plaintiff	Respondent
7	Judith Grunbaum	Defendant	Appellant
8	Moshe Deutsch	Defendant	Appellant
9	Samuel Grunbaum	Defendant	Appellant
10	YHT Management Inc.	Defendant	Appellant
11			
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Informational Statement - Civil

## Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Borah, Goldstein, Altschuler, Nahins & Goidel, P.C.

Address: 377 Broadway

City: New York

State: NY

Zip: 10013

Telephone No: (212) 431-1300

E-mail Address: pgruber@borahgoldstgeln.com

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 7, 8, 9, 10

Attorney/Firm Name: Stephanie R. Rudolph c/o Communities Resist

Address: 434 South 5th Street

City: Brooklyn

State: New York

Zip: 11211

Telephone No: (646) 974-8834

E-mail Address: srudolph@communitiesresist@ortg

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1, 2, 3, 4, 5, 7

Attorney/Firm Name: Freshfields Bruckhaus Deringer US LLP

Address: 601 Lexington Avenue, 31st Floor

City: New York

State: New York

Zip: 10022

Telephone No: (212) 273-4000

E-mail Address:

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1, 2, 3, 4, 5, 6

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type:  Retained  Assigned  Government  Pro Se  Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Informational Statement - Civil

2021 FEB -8 AM 11:14

At an I.A.S. Trial Term, Part of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York on the 28<sup>th</sup> day of January 2021

PRESENT:

Hon. Francois A. Rivera

SUNDEEP SINGH SUCHDEV, LUCAS SHAPIRO, SHRUTI PAREKH, JESSICA TURNER, LILI SALMERON, and SANJEEVAN THARMARATNAM

Plaintiff(s),

ORDER GRANTING  
TEMPORARY RESTRAINING  
ORDER/PRELIMINARY  
INJUNCTION

-against-

Index No. 518435-2020

Oral Argument Date: 1-21-21

Cal. No. 42

JUDITH GRUNBAUM, MOSHE DEUTSCH, SAMUEL GRUNBAUM, and YHT MANAGEMENT INC.

Defendant(s)

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

<u>Papers</u>	<u>Numbered</u>
Order to Show Cause/Notice of Motion and Affidavits/Affirmations Annexed.....	1-43
Answering Affidavits/Affirmations.....	45-75
Reply Affidavits/Affirmations.....	N/A
Memoranda of Law.....	
Other.....	

Upon the foregoing cited papers, the Decision/Order on this request for a Temporary Restraining Order/Preliminary Injunction is as follows:

ORDERED, that Plaintiffs' request for a temporary restraining order/preliminary injunction is granted in part as follow: that Defendants, their agents, and any persons in active concert with Defendants, are enjoined, pending a final determination on the merits, from visiting any portion of 70 South Elliott Place, Brooklyn, NY 11217 ("Subject House") without reasonable notice as required by the New York City Administrative Code ("NYC Admin. Code") § 25-10, which reads:

(a) (1) *Owner to give notice.* Where an owner or his or her representative seeks access to a dwelling unit, suite of rooms or to a room, under the provisions of § 27-2008 in order to

make an inspection for the purpose of determining whether such places are in compliance with the provisions of the multiple dwelling law or the administrative code, such owner or representative shall notify the tenants not less than twenty-four hours in advance of such time of inspection.

(2) Where an owner or his or her representative seeks access to make improvements required by law or to make repairs to a dwelling unit, suite of rooms or to a room, such owner or representative shall give written notice to the tenant not less than one week in advance of the time when the improvements or repairs are to be started, except where otherwise provided in paragraph (3) of this subdivision.

(3) Where an owner or his or her representative seeks access to make repairs (i) that are urgently needed to a dwelling unit, suite of rooms or a room, as in the case where a class C violation of the Housing Maintenance Code has been issued, except where such class C violation is for the existence of a lead-based paint hazard, or (ii) in the case of an emergency where repairs are immediately necessary to prevent damage to property or to prevent injury to persons, such as repairs of leaking gas piping or appliances, leaking water piping, stopped-up or defective drains, leaking roofs, or broken and dangerous ceiling conditions, such owner or representative shall not be required to provide written advance notice, but shall be required to notify the tenant or tenants by such actions as telephone, email, or by knocking on the occupant's door at a reasonable time when he or she would be expected to be present.

(4) Where an owner or his or her representative must make a repair in a public area or other area of a dwelling that may result in an interruption of essential services such as utilities (heat, hot water, cold water, gas, electricity, or elevator) that is expected to continue for more than two hours, the owner or his or her representative shall provide written notice to the tenants by posting a notice in a prominent place within the public part of the building and on each floor of such building at least twenty-four hours prior to such interruption. However, if such interruption is not expected to continue for more than two hours or is due to emergency repairs that were not anticipated and must begin immediately, advance notice is not required, provided that notice shall be posted as soon as possible if such work continues for two or more hours. Such notice shall identify the service to be interrupted, the type of work to be performed, the expected start and end dates of the service interruption, and shall be updated as necessary. Such notice shall be provided in English, Spanish, and such other language as the owner deems necessary to adequately provide notice to the tenants. Such notice shall remain posted until the interruption of essential services interruption ends. A sample notification form is provided in these rules.

(b) *Notices to be in writing.* Where an owner is required to give notice in advance of seeking access to a dwelling unit, suite of rooms or to a room, as required by subdivision (a) of this section, such notice shall be in writing, dated, and shall contain a statement of the nature of the improvement or repairs to be made, unless specifically stated otherwise in these rules.

(c) *Authorization to be in writing.* Where a representative of an owner seeks access to a dwelling unit, suite of rooms, or rooms, the authorization of the owner shall be in writing and the representative shall exhibit such authorization to the tenant when access is requested.

(d) *Hours when access to be permitted.* Except as provided in paragraph (3) of subdivision (a) of this section, access to a dwelling unit, suite of rooms, or rooms, shall be limited to the hours between nine antemeridian and five post-meridian, unless otherwise agreed to by the tenant. Access shall not be required on Saturdays, Sundays or legal holidays, unless otherwise agreed to by the tenant, except as provided in paragraph (3) of subdivision (a) of this section.



This Court reserves decision on all other relief requested in Plaintiffs' Order to Show Cause for a Temporary Restraining Order/Preliminary Injunction dated September 30, 2020, including a decision with respect to the surveillance cameras Defendants installed on the interior of the Subject House. With respect to Plaintiffs' requested relief related to the interior cameras, parties will appear before this Court via *Microsoft Teams* on March 4, 2021 for additional oral arguments. Prior to oral argument, Plaintiffs shall file, via NYSCEF, Reply Papers by February 5, 2021 and Defendants shall file Sur-Reply Papers by February 19, 2021.

ORDERED, that a copy of this order with notice of entry be served upon all parties in the action within 7 days hereof.

ENTER

*Francis A. Rivera*

J.S.C

For clerks use only

MG \_\_\_\_\_

MD \_\_\_\_\_

Motion Seq. # \_\_\_\_\_

**FILED**

FEB 08 2021

KINGS COUNTY

**FILED**

FEB 08 2021

KINGS COUNTY CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
SUNDEEP SINGH SUCHDEV, LUCAS SHAPIRO,  
SHRUTI PAREKH, JESSICA TURNER, LILI  
SALMERON, and SANJEEVAN THARMARATAM

Index No. 518435/20

AFFIDAVIT OF  
SERVICE

Plaintiffs-Respondents,

-against-

JUDITH GRUNBAUM, MOSHE DEUTSCH, SAMUEL  
GRUNBAUM, and YHT MANAGEMENT INC.

Defendants-Appellants.  
-----X

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

ANDREA CAVALLO, being duly sworn, deposes and says:

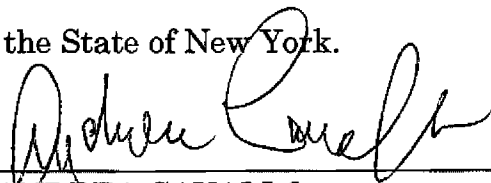
1. I am not a party to this proceeding, I am over eighteen years of age and I am an employee of BORAH, GOLDSTEIN, ALTSCHULER, NAHINS & GOIDEL, P.C., 377 Broadway, New York, New York 10013.

2. On March 8, 2021, I served a copy of the within NOTICE OF APPEAL and INFORMATIONAL SHEET in this proceeding upon:

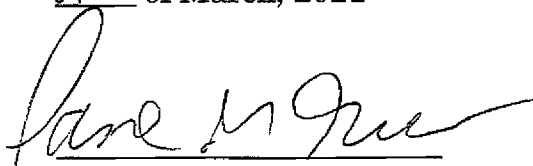
STEPHANIE R. RUDOLPH  
Attorneys for Plaintiff-Respondent  
Communities Resist  
434 South 5<sup>th</sup> Street  
Brooklyn, New York 11211

FRESHFIELDS BRUCKHAUS DERINGER US LLP  
Attorneys for Plaintiff-Respondent  
601 Lexington Avenue, 31<sup>st</sup> Floor  
New York, New York 10022

the address designated for that purpose by depositing a copy of same in a post-paid properly addressed wrapper, in an official depository under the exclusive care of the United States Post Office within the State of New York.

  
\_\_\_\_\_  
ANDREA CAVALLO

Sworn to before me this  
8<sup>th</sup> of March, 2021

  
\_\_\_\_\_  
Notary Public

PAUL N. GRUBER  
Notary Public, State of New York  
No. 02GR4835445  
Qualified in Suffolk County  
Commission Expires June 30, 2021