

AJ
u

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: IAS PART 52**

Index No. 518435/2020

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

Plaintiffs,

**AFFIDAVIT IN
OPPOSITION**

- against -

**JUDITH GRUNBAUM, MOSHE DEUTSCH, SAMUEL
GRUNBAUM, AND YHT MANAGEMENT INC.,**

Defendants.

-----X
STATE OF ISRAEL }
 }ss.
CITY OF JERUSALEM }

JUDITH GRUNBAUM, being duly sworn, deposes and says:

1. I am a Defendant in this action, and I am the Owner of the property located at 70 South Elliott Place, Brooklyn, New York ("Building"). I am fully familiar with the facts and circumstances stated herein.
2. This affidavit is submitted in opposition to Plaintiffs' Order to Show Cause seeking a Temporary Restraining Order with respect to certain alleged conduct concerning the Building.
3. Plaintiffs' motion must be denied because, as owner of the Building, my agents and I are entitled to unfettered access to the common areas of the Building and are entitled to maintain security cameras to ensure the security the common areas of the Building. Moreover, my agents and I are being harassed, rather than harassing, as the two remaining legal tenants of the Building (of the seven people determined by DHCR

to be legal tenants) believe they have the right to refuse us entry and at the same time place strangers into vacated units without my consent.

4. Plaintiffs are the two remaining SRO tenants (Singh and Shapiro) and persons who occupy the Building without permission from Owner, but pursuant to being given access to vacated units by Singh and Shapiro, who lack the authority to grant occupancy of vacant rooms.

5. I purchased the Building from the Estate of Arthur Gassner on September 3, 2015. (See Exhibit "E"—Deed)

6. When I purchased the Building, I primarily resided in Montreal, Canada.

7. I purchased the Building because I have children and grandchildren living in the neighborhood. As the Building consists of six (6) bedrooms, my intention was to utilize the Building as a home-base in Brooklyn, as I was approaching the age of 70 and wanted to retire and spend more time with and around my grandchildren. The Building is also located within walking distance of the local synagogue.

8. Admittedly, I was aware that there was a pending application made by the occupants of the Building ("Applicants") claiming that they had rights pursuant to rent stabilization as SRO Tenants when I purchased the Building, but I purchased the Building, as a determination of rent stabilized status would not affect my intended use of the Building.

9. In November 2015, Melvin Berg, the Administrator of the Estate of Arthur Gassner, forwarded to my attorneys a sublet request from Heidi Chua, one of the persons seeking SRO tenancy rights, seeking to sublet the Third Floor Front Room to

Shruti Parekh, one of the Plaintiffs in this action. Through my attorneys, I requested additional information from Ms. Chua. (See Exhibit "F")

10. Based upon her response, I rejected the request, as Ms. Chua did not provide specifics as to why she was leaving and did not present any intent to return to the Premises at the end of the sublet. (See Exhibit "F")

11. Ms. Chua submitted a new request to sublet, but again failed to demonstrate an intent to return to the Premises and the request was again denied. (See Exhibit "F")

12. In 2016, while the DHCR application was pending, I filed Owner's use holdover proceedings against each of the persons who claimed tenancy rights ("Holdover Proceedings"). Specifically, Lucas Shapiro, Sonny Singh, Jules Skloot, Yashma Padamsee, Jacob Hodes and Heidi Chua (collectively "Tenants").

13. The tenants all retained the services of the same attorneys, filed answers and moved for discovery.

14. During the pendency of the Holdover Proceedings, DHCR issued an Order determining the Applicants to be the rent stabilized tenants of six (6) SRO units in the Building.

15. In the context of the Holdover Proceedings I produced documents and was deposed by the attorney for the Tenants.

16. Upon completion of the discovery, my attorneys moved to restore the Holdover Proceedings for trial.

17. The tenants opposed restoration and sought additional discovery.

18. Ultimately, the tenants successfully delayed the trial of the Holdover Proceedings through the passage of the HSTPA in June 2019, which rendered my proceedings moot

(and ultimately led to an Order allowing me to withdraw the Holdover Proceedings without prejudice in June 2020).

19. In July 2019, the Tenants' attorney indicated at a Court appearance that some of the tenants, Hodes, Padamsee and Chua had moved out from their respective rooms.

20. None of the tenants gave me written notice that they had moved out, or surrendered keys to me, so I went to the Building to investigate.

21. On July 31, 2019, I rang the bell to the Building as I did not have a set of keys to the Building. A female who I believe was Plaintiff Parekh answered the door.

22. Plaintiff Singh immediately appeared at the door as well.

23. I stated that I was the Owner and that I had reason to believe that three (3) of the tenants had vacated their rooms, and I wanted to inspect the rooms and assess their condition.

24. Plaintiff Singh stood in the doorway and stated that he would not let me enter.

25. I tried to walk past Mr. Singh, but he physically prevented me from doing so by pushing the interior entrance door into me.

26. I demanded that he let me in to inspect the vacant rooms, and he stated that he would not let me do so as he had already sublet them to other people.

27. When I asked him to identify these subtenants, the person whom I believe to have been Plaintiff Parekh told him not to give me the names without speaking to their attorney.

28. When I asked Singh who gave him authority to sublet rooms which were not his, he told me something to the effect that the Court had permitted him to sublet the Building to "John Doe" and "Jane Doe."

29. This occurrence disturbed me. I was intimidated by Mr. Singh physically preventing me from entering my own property, and I was mentally shocked by the audacity of Plaintiff's conduct. Consequently, I decided that it would not be healthy for me, at my age, to continue the day-to-day management of the Building.

30. Therefore, I authorized my stepson Samuel Grunbaum to assume management of the Building and to work with YHT Management Inc., the management company I had hired in 2018.

31. I have not returned to the Building since that date when I was confronted by Plaintiff Singh.

32. It is unclear to me why these Plaintiffs believe that my property is theirs to use and rent as they please.

33. I have been paying carrying costs for the Building for the past five (5) years and I am the person responsible for paying real estate taxes for the Building.

34. I have expended money to repair violations which have arisen at the Building of which I have been notified.

35. With the exception of Plaintiff Salmaron, who paid a few months use and occupancy this year pursuant to a stipulation which afforded her time to vacate the room she occupies, I have not received any rent or use and occupancy from anyone since I purchased the Building.

Handwritten scribble

36. It is astounding to me that the Plaintiffs contend that equity permits a ruling that my agents and I cannot enter the Building.

WHEREFORE, it is respectfully requested that Plaintiffs' Order to Show Cause be denied, together with such other, further relief as may be proper under the circumstances.

Sworn to before me on this
12 day of October 2020
[Signature]

Notary Public



[Signature]

JUDITH GRUNBAUM

Handwritten vertical text: 171011

Handwritten scribble

ACKNOWLEDGMENT TAKEN OUTSIDE NEW YORK STATE:

STATE OF ISRAEL }
 }ss.:
CITY OF JERUSALEM }

On the 2nd day of October in the year 2020, before me, the undersigned, personally appeared, Judith Grunbaum personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Jerusalem in the State of Israel.

Handwritten signature

Notary Public

Official Seal:



*Vertical handwritten mark: * NO **

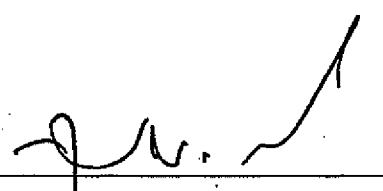
בס"ד

מספר סידורי: 238/2020 Serial No:

CERTIFICATION OF DECLARATION

I the undersigned **Menachem Shenkar** Notary holding license no. 2105166 at 46 Yirmiyahu st. (8 Tchelet Mordechay st. Ganey-Geula, POB 36619 Jerusalem 9136601 Tel: 052-7671006, hereby certify that on 10/22/2020 there appeared before me at my office Ms. Judith Grunbaum whose identity was proved to me by Canadian passport No. GB921010 issued on 07/04/2013 and being satisfied that she knows the English language (the language of the declaration) and read in my presence the attached declaration marked A, and after I enquired and satisfied myself that the above named Ms. Judith Grunbaum understood the contents of the above-mentioned declaration, she duly declared the truth of the above declaration.

In witness whereof I have hereto set my signature and seal today October 22, 2020.



חתימת הנוטריון

Notary Signature

אישור הצהרה

אני הח"מ **מנחם שנקר** נוטריון בעל רישיון מספר 2105166 מרחוב ירמיהו 46 (תכלת מרדכי 8 גני-גאולה), ת.ד. 36619 ירושלים 9136601 טל: 052-7671006, מאשר כי ביום 22/10/2020 ניצבה לפני במשרדי גברת יהודית גרונבאום שזהותה הוכחה לי על פי דרכון קנדי מספר GB921010 שניתן ביום 04/07/2013

ולאחר שנוכחתי שהיא יודעת את השפה האנגלית (שפת ההצהרה), וקראה בנוכחותי את ההצהרה המצורפת והמסומנת באות A ולאחר שביררתי ונוכחתי כי גברת יהודית גרונבאום הנייל הבינה את תוכן ההצהרה הנייל, הצהירה בהן צדק על אמיתות ההצהרה הנייל.

ולראיה באתי על החתום בחתימת ידי ובחותמי היום 22/10/2020.

שכרי בסך 200 ₪ (כולל מע"מ) שולם.



חותם הנוטריון

Notary Seal