

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

<p>SUNDEEP SINGH SUCHDEV, LUCAS SHAPIRO, SHRUTI PAREKH, JESSICA TURNER, LILI SALMERON, and SANJEEVAN THARMARATNAM</p> <p>Plaintiffs/Counterclaim Defendants,</p> <p>-against-</p> <p>JUDITH GRUNBAUM, MOSHE DEUTSCH, SAMUEL GRUNBAUM, and YHT MANAGEMENT INC.,</p> <p>Defendants/Counterclaim Plaintiffs.</p>

Index No.: 518435/2020

**NOTICE OF MOTION TO
DISMISS DEFENDANTS'
COUNTERCLAIMS AND FOR
OTHER RELIEF**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, affirmation in support and exhibits annexed thereto, and upon all of the prior proceedings had herein, the undersigned will move this Court via Microsoft Teams at an IAS Part 52 at the Courthouse located at 360 Adams Street, Brooklyn New York 11201, on the **3rd day of June 2021 at 9:30am** or as soon thereafter as counsel can be heard for an Order:

- a. Pursuant to CPLR 3211(a)(7), dismissing:
 - i. Defendants’ first counterclaim for declaratory judgment as against all Plaintiffs;
 - ii. Defendants’ second counterclaim for damages for trespass from Plaintiffs Turner, Parekh, and Singh;
 - iii. Defendants’ sixth counterclaim for unlawful detainer as against Plaintiffs Singh, Parekh, and Turner; and
 - iv. Defendants’ seventh counterclaim for damages for unlawful detainer as against all Plaintiffs;
- b. Pursuant to the COVID-19 Emergency Eviction and Foreclosure Prevention Act (“CEEFP A”), ch. 381, L. 2020, and CPLR 3211(a)(7) staying and thereafter dismissing:

- i. Defendants' third counterclaim for declaratory judgment and ejectment of Plaintiff Parekh;
 - ii. Defendants' fourth counterclaim for declaratory judgment and ejectment for Plaintiff Turner;
 - iii. Defendants' fifth counterclaim for declaratory judgment and ejectment for Plaintiff Tharmaratnam;
 - iv. Defendants' tenth counterclaim for use and occupancy from Plaintiff Parekh;
 - v. Defendants' eleventh counterclaim for use and occupancy from Plaintiff Tharmaratnam;
 - vi. Defendants' twelfth counterclaim for use and occupancy from Plaintiff Turner; and
 - vii. Defendants' thirteenth counterclaim for use and occupancy from Plaintiff Salmeron.
- c. In the alternative, pursuant to CPLR 603, and CPLR 325(d), and 22 NYCRR 202.13(a), and CPLR 2201:
- i. Severing and removing to Civil Court, Housing Part ("Housing Court") Defendants' third counterclaim for declaratory judgment and ejectment of Plaintiff Parekh;
 - ii. Severing and removing to Housing Court Defendants' fourth counterclaim for declaratory judgment and ejectment for Plaintiff Turner;
 - iii. Severing and removing to Housing Court Defendants' fifth counterclaim for declaratory judgment and ejectment for Plaintiff Tharmaratnam;
 - iv. Severing and removing to Housing Court Defendants' tenth counterclaim for use and occupancy from Plaintiff Parekh;
 - v. Severing and removing to Housing Court Defendants' eleventh counterclaim for use and occupancy from Plaintiff Tharmaratnam;
 - vi. Severing and removing to Housing Court Defendants' twelfth counterclaim for use and occupancy from Plaintiff Turner; and
 - vii. Severing and removing to Housing Court Defendants' thirteenth counterclaim for use and occupancy from Plaintiff Salmeron.

- d. Pursuant to CEEFPA, CPLR 603, and CPLR 325(d), CPLR 2201, and 22 NYCRR 202.13(a):
 - i. Staying and thereafter severing and removing to Housing Court Defendants' eighth counterclaim for rent from Plaintiff Shapiro; and
 - ii. Staying and thereafter severing and removing to Housing Court Defendants' ninth counterclaim for rent from Plaintiff Singh.
- e. Granting Plaintiffs other relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering papers and any notice of cross-motion, with supporting papers, if any, must be served upon the undersigned at least seven days before the return date of this motion.

Dated: Brooklyn, New York
May 18, 2021

COMMUNITIES RESIST

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