

REAL ESTATE WEEKLY

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Law firm sues judge for delay in decision on housing case

Rosenberg & Estis, P.C., has filed an Article 78 petition seeking a writ of mandamus to compel a New York City Housing Court judge to render a decision on a motion submitted after argument some 15 months ago, on May 28, 2014.

Bradley Silverbush, a Member of Rosenberg & Estis, P.C., represents the property owner in the case.

“Justice delayed is justice denied, and the judge’s failure to decide in a timely manner on this motion clearly prevents our client from expeditiously pursuing the case,” Silverbush said. “CPLR 2219(a) and the case law interpreting the statute make it clear: a judge is required to decide

a motion within 60 days from submission.”

The case focuses on an owner occupancy holdover proceeding, and Rosenberg & Estis claims that the judge’s failure to make a decision prejudices the landlord by compounding the problem and further delaying the case.

After numerous letters to the court, with no response, Silverbush found a basis to sue the judge to compel her to render a decision, citing the little-known statute that requires a judge to decide a motion within 60 days.

The matter has been scheduled in NYS Supreme Court for September 21. The judge’s response is due September 16.



BRADLEY SILVERBUSH

The NYS Attorney General will represent the judge.

