

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART B

THOMAS DUKLETH, ZACHARY HALL,
SHIRAS PATTERSON BECKWITH, JUDY
SABIN, AND REMIGIUSZ CHLAPEK,

Index No. HP 307504-25/NY

Petitioners,

VERIFIED ANSWER

-against-

109E9 LLC, MICHAEL GEYLIK, MGNY
CONSULTING CORP., YURI GEYLIK,

Respondents,

-and-

NYC DEPARTMENT OF HOUSING
PRESERVATION & DEVELOPMENT and NYC
DEPARTMENT OF BUILDINGS,

City-Respondents.

PLEASE TAKE NOTICE, that Kucker Marino Winiarsky & Bittens, LLP, with a business address of 747 Third Avenue, 12th Floor, New York, New York 10017 hereby appears in the above-entitled proceeding on behalf of respondents 109E9 LLC, MICHAEL GEYLIK, MGNY CONSULTING CORP. ("MGNY"), and YURI GEYLIK (collectively, the "Respondents") and that the undersigned has been retained as attorneys for Respondents and hereby demands service of all future correspondence and papers at the business address listed below.

PLEASE TAKE FURTHER NOTICE, that Respondents hereby request a stay of accumulation of penalties, pursuant to Housing Maintenance Code §27-

2117A pending a determination of this proceeding.

PLEASE TAKE FURTHER NOTICE, that Respondents hereby interpose the following Answer and Affirmative Defenses to the allegations in the Verified Petition and Order to Show Cause ("Petition") as follows:

i. That without waiving any defenses –

1. General Denial.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

2. Petitioners THOMAS DUKLETH, ZACHARY HALL, SHIRAS PATTERSON BECKWITH, JUDY SABIN, and REMIGIUSZ CHLAPEK ("Petitioners") fail to state a cause of action upon which relief can be granted.

3. Petitioners have failed to state a cause of action under Section 27-2005(d) of the Administrative Code of the City of New York against the Respondents.

4. Based on the foregoing, no civil penalties or Order to Correct or Order to Comply can be imposed upon Respondents.

5. Accordingly, the Petition must be dismissed.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

6. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

7. Upon information and belief, Respondents were not served with the Petition in a manner authorized by applicable law.

8. For the foregoing reason, this Court lacks jurisdiction over the

Respondents and must dismiss the Petition.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

9. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

10. Neither MGNY nor YURI GEYLIK are an “Owner” as defined by Section 27-2004(a)(45) of the Administrative Code of the City of New York and Section 4(44) of the Multiple Dwelling Law of the State of New York because neither MGNY nor YURI GEYLIK maintain either direct or indirect control of the subject building.

11. For the foregoing reason, this Court lacks jurisdiction over MGNY and YURI GEYLIK and must dismiss the Petition.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

12. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

13. Upon information and belief, there are no HPD violations of record imposed upon the subject building.

14. Based on the foregoing, no civil penalties or Order to Correct or Order to Comply can be imposed upon Respondents.

15. Accordingly, the Petition must be dismissed.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

16. Respondents repeat and reiterate each and every allegation in the

preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

17. The conditions Petitioners complain of were caused by the acts, neglect and/or abuse of third-parties not under Respondents' custody or control who have also denied access to the subject apartment.

18. Accordingly, Petitioners seek relief which they are not entitled to as a matter of law.

19. Accordingly, the Petition must be dismissed.---

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

20. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

21. Petitioners' claims are barred by the doctrine of unclean hands.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

22. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

23. In or about 1998—more than twenty (20) years before 109E9 LLC purchased the subject building—DOB issued violations related to an illegal so-called kitchen area that had been created in a vacant dwelling at the subject building, and which was required by law to be removed so as to cure the DOB violations. The subject building has never had a legal kitchen nor are any cooking facilities required.

24. Accordingly, the Petition must be dismissed.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

25. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

26. Respondents stand ready, willing and able to perform any and all repairs which are required by law at the subject apartment.

27. Accordingly, the Petition must be dismissed.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

28. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

29. Respondents have made good faith efforts to make any required repairs at the subject building and to comply with all relevant laws. Respondents have been working diligently with the DOB Manhattan Borough Commissioner and the DOB Forensic Engineering Unit Supervisor to cure structural defects at the subject building, which were caused and/or exacerbated by a 4.8 magnitude earthquake impacting the subject building in or about April 2024.

30. Therefore, this proceeding should be dismissed as a matter of law.

AS AND FOR AN TENTH AFFIRMATIVE DEFENSE

31. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth

at length herein.

32. None of the Respondents “arranged” with the New York City Police Department—or any law enforcement agency—to effectuate the arrest of Mr. Chlapek. Upon information and belief, any arrest of Mr. Chlapek was the result of the sound discretion of law enforcement.

33. Therefore, the Petition should be dismissed.

AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE

34. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

35. Respondents have not “harassed” Petitioners as defined under the New York City Administrative Code Section 27-2004(a)(48) as they allege.

36. As such, Petitioners are seeking relief which they are not entitled to as a matter of law.

37. Therefore, the Petition should be dismissed in its entirety.

AS AND FOR A FIRST COUNTERCLAIM

38. Respondents repeat and reiterate each and every allegation in the preceding paragraphs hereof with the same force and effect as though fully set forth at length herein.

39. As a result of the foregoing, Respondents have incurred thus far and will incur in the future, costs, disbursements and attorneys' fees in defending and prosecuting this proceeding.

40. Respondents hereby demand that this Court issue a judgment in the Respondents' favor, and against Petitioners, in an amount reflecting the actual costs incurred by said Respondents for costs, disbursements and attorneys' fees in defending and prosecuting this proceeding in a sum to be determined but in no event less than \$2,500.00.

WHEREFORE, Respondents demand judgment as follows:

- (a) Dismissal of the Petition in its entirety;
- (b) Entering a judgment in favor of Respondents for the First Counterclaim in an amount, which reflects costs, disbursements, and attorney's fees actually incurred by the Respondents in defending this proceeding in a sum to be determined, but in no event for a sum less than \$2,500.00; and
- (c) Such other and further relief as may be just and proper.

Dated: New York, NY
May 28, 2025

**KUCKER MARINO WINIARSKY
& BITTENS, LLP**
Attorneys for Respondent-Landlord
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By: /s/ John A. Passidomo
John A. Passidomo, Esq.

TO: ALL ATTORNEYS OF RECORD VIA NYSCEF

VERIFICATION

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

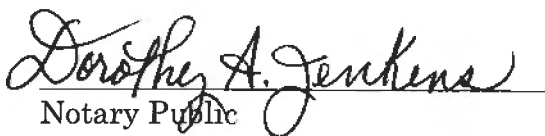
--- **MICHAEL GEYLIK**, being duly sworn, deposes and says: ---

1. Deponent is a Respondent in the within proceeding and has read the foregoing Verified Answer and knows the contents thereof. The same is true of Deponent's own knowledge except to matters therein stated to be alleged on information and belief, and as to those matters Deponent believes it to be true. The grounds of Deponent's belief as to all matters not stated upon Deponent's knowledge are as follows: the books, records and other documents relating to transactions by and between the parties herein, particularly, and use of the subject building.



MICHAEL GEYLIK

Sworn to before me this
28th day of May, 2025


Notary Public

DOROTHY A. JENKINS
Notary Public, State of New York
No. 01JE6273958
Qualified in Kings County
Commission Expires Dec 24, 2028