

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

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

-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.

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Index No.: LT-307504-25/NY

**ATTORNEY AFFIRMATION
IN SUPPORT OF
PETITIONERS' MOTION**

Subject Premises:
109 East 9th Street
New York, NY 10003

Jennifer Akchin, an attorney duly admitted to practice law before the courts of the State of New York, hereby swears and affirms as follows:

1. I am a staff attorney at TakeRoot Justice, attorneys for Petitioners in this proceeding. I am therefore fully familiar with the facts and circumstances underlying this proceeding.

2. I make this affirmation in support of Petitioners' motion to strike Respondent's defenses pursuant to CPLR § 3211(b), and for discovery, pursuant to CPLR § 408 and § 2120 and Civil Court Act § 110 (c).

3. Specifically, the discovery portion of the motion seeks access for inspections by a professional engineering firm, Old Structures Engineering, to assess the condition of the building and potential pathways to resolve the pending violations at issue. These inspections would serve

to clarify key factual issues for trial or settlement, and would further the goal of providing necessary repairs to the premises.

4. A proposed Notice of Inspection is attached as Exhibit A. A proposed Notice to Produce is attached as Exhibit B.

5. The Petition addresses two chief concerns: an ongoing campaign of harassment by Owner-Respondents, and, as part and parcel of that campaign, uninhabitable and/or unsafe conditions created or maintained by Owner-Respondents, including the dismantling of common area facilities and the demolition of vacant units throughout the building. Though the demolished units are vacant, the demolition risks creating fire hazards and structural problems that endanger Petitioners.

6. Centrally at issue are two unresolved Department of Buildings violations, placed on or around August 14, 2024. The first violation, FEU10301PN, required Owner-Respondents to immediately take steps to shore the building, while the second violation, FEU10302PN, required Owner-Respondents to retain a professional engineer to evaluate the entire building and file repair drawings with the Department of Buildings for permanent repairs.

7. While all parties agree that these conditions are in need of correction, the parties disagree as to whether the repairs can be made without displacing tenants, changing the layout of apartments, or permanently doing away with decades-old common kitchen and bathroom facilities.

8. Owner-Respondents have retained a professional engineering firm, Steel Core Engineering, to conduct inspections, prepare drawings, and file repair plans with the Department of Buildings.

9. Upon information and belief, Steel Core Engineering inspected the building on multiple occasions between August-November 2024, and compiled at least two reports on its findings.

10. Owner-Respondents have not provided a copy of the reports or their findings to Petitioners or counsel.

11. Owner-Respondents have asserted that they cannot correct the violations unless all tenants permanently surrender their tenancies and vacate the building.

12. Unfortunately, Petitioners have many reasons to not take the assertions of Owner-Respondent or its engineers at face value, as Owner-Respondents have repeatedly communicated information to Petitioners that was false or misleading, including communicating to the tenants that they would need to vacate the building on numerous occasions, although no vacate order has ever been entered at the building.

13. Troublingly, there is evidence to suggest that Owner-Respondent's hired engineer does not maintain an "arm's length" relationship with Owner-Respondent, and therefore may not be able to offer independent and unbiased judgment regarding the property.

14. The business address for Respondents' Professional Engineer is 37 West End Avenue, Apt 4E, Brooklyn, NY 11235. Exhibit C.

15. The principal for Steel Core Engineering, Alexander Sheyman, holds a residential real property deed for that address (as co-trustee of Allegra Trust), which is a residential condominium unit. Exhibit D.

16. The property registration records for this address reflect that Owner-Respondent Geylik is both the Head Officer and Managing Agent for the Condominium, with an office address registered to 109 East 9th Street, the Subject Premises. Exhibit E.

17. Mr. Geylik also owns a residential condominium at the same address. Exhibit F.

18. In other words, Owner-Respondent and his hired engineering firm are joint-owners of common property in a residential condominium building, in which they are also neighbors. Owner-Respondent, in his professional capacity, is also the head officer of the company controlling the condominium (including setting and enforcing regulations applicable to its residents, including his retained engineering firm.)

19. With this in mind, Petitioners retained an architect, Old Structures Engineering, at their sole expense, to inspect and identify alternative approaches which would permit Owner-Respondents to effectuate permanent repairs without substantial alterations, demolition, or reductions in the building's residential spaces or common areas.

20. Old Structures Engineering specializes in antique, wood-frame buildings such as 109 East 9th Street. They also have specific knowledge and experience with correcting sloping floors, another key issue cited in the DOB violation as well as multiple HPD violations.

21. Petitioners have requested access for inspection by Old Structures Engineering on at least three occasions, and have repeatedly been denied.

22. Since the last court appearance, in addition to two pending Department of Buildings violations, there are 17 new HPD violations, 16 of which are class "B" hazardous violations. Exhibit G.

23. Upon information and belief, these violations are the results of judicial inspections ordered by the Court May 29, 2025 (as modified by a subsequent order on June 3, 2025) focused on conditions in the building's common areas and vacant units. All violations are in common areas of the building or untenanted spaces to which Respondents presently have exclusive access.

24. Upon information and belief, on or around June 24, 2025—immediately before the inspections were to take place—Owner-Respondents relabeled the area previously used as a common kitchen and bathroom as unit “3B” and the previously tenanted units on the 2nd floor collectively as “1A.” Exhibit H. As a result, the labels for those areas no longer matched the judicial inspection order, and the violation reports reflect that those areas were not inspected. The timing of Owner-Respondents' actions suggests that they were intended to foil the inspections.

WHEREFORE, Petitioners respectfully request the Court:

- a) Pursuant to CPLR 3211 (b) striking Owner-Respondent’s defenses first, second, third, fourth, fifth, sixth, eighth, ninth and eleventh affirmative defenses
- b) Pursuant to CPLR § 408 and § 2120 and Civil Court Act 110 (c), Granting Petitioners leave for limited discovery, and deeming Petitioner’s annexed Notice of Inspection and Notice to Produce Documents served as of the date of the Court’s order.
- c) Such other and further relief as the Court deems just and proper.

Dated: July 11, 2025
Queens, New York



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