

CIVIL COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART G

-----X
109E9 LLC,

Index No. LT-306106-25/NY

Petitioner-Landlord,

-against-

SHIRAS PATTERSON BECKWITH
109 East 9th Street
Apartment #2E
New York, NY 10003

**AFFIRMATION IN
OPPOSITION
TO RESPONDENT'S
MOTION
AND IN SUPPORT OF
PETITIONER'S CROSS
MOTION**

Respondent-Tenant,

“JOHN DOE” and/or “JANE DOE,”

Respondents-Undertenants.
-----X

MICHAEL GEYLIK, hereby declares under the penalty of perjury and pursuant to CPLR §2106, as follows:

1. I am the managing agent for 109E9 LLC (“**Petitioner**”), owner of the building located at 109 East 9th Street, New York, New York 10003 (Tax Map Block: 555, Lot: 40) (the “**Building**”), and I am involved in and have specific knowledge with respect to, among other things, overseeing tenant files and accounts, management of personnel who work within the Building, tenant relations, and general day-to-day operation and property management, and the statements in this affirmation are based upon my own personal knowledge and upon my review of the books and records that have been kept by Petitioner in the regular and ordinary course of business, and, as such, I am fully familiar with the facts and circumstances set forth herein. I submit the within affirmation:

- (i) in opposition to the motion by Respondent Shiras Patterson Beckwith (“**Respondent**”) (a) pursuant to CPLR §§3211(a)(2) and (7) to dismiss this

proceeding; (b) pursuant to CPLR §3212 for summary judgment; or, in the alternative, (c) pursuant to CPLR §§408 and 3101, granting leave for Respondent to conduct discovery;

- (ii) in support of Petitioner’s cross-motion pursuant to CPLR §§408 and 3101, granting leave for Petitioner to conduct discovery; and
- (iii) for such other, further, and different relief as the Court deems just, proper, and equitable.

BACKGROUND FACTS

2. Petitioner acquired title to the Building by deed dated June 28, 2021, and recorded/filed July 7, 2021, under CRFN 2021000258220, a true copy of which is annexed hereto as **Exhibit A**.

3. Respondent is the occupant of record of Apartment #2E in the Building, a Single Room Occupancy (“**SRO**”) unit measuring approximately ninety (90) to one hundred (100) square feet (the “**Unit**”).

4. Following Petitioner’s purchase of the Building, in or about December 2021, it had security cameras installed throughout the Building which take motion-activated video recordings and are located at the second-floor landing of the Building, covering the Building entrance, stairs, and corridor area.

5. Additionally, my company, MGNY Consulting Corp. (“**MGNY**”), built and maintains offices on the ground floor of the Building, resulting in my regular presence at the Building during working hours, Monday through Friday each week.

6. Since Petitioner’s purchase of the Building, I became familiar with the occupants

of the Building and frequently observed their comings and goings.

7. However, I consistently noticed that Respondent was rarely, if ever, seen at the Building.

8. At most, I would observe Respondent once or twice a month at the Building, sometimes to drop off a rent check or to pick up mail.

9. On or about March 28, 2022, MGNY hired Mint Tan, who works as MGNY's Director of Internal Operations, and who often assists me with certain aspects of operation of the Building on behalf of Petitioner and has become familiar with and known to the occupants of the Building.

10. In MGNY's offices on the ground floor of the Building, Mr. Tan sits at a desk in front of a window next to the entrance door to the Building, as depicted in the photograph annexed hereto as **Exhibit B**, and, as such, is able to observe the occupants of the Building's comings and goings on a daily basis throughout the work week.

11. Over the years, Mr. Tan has confirmed to me that he rarely sees Respondent at the Building – perhaps once or twice a month, seemingly checking mail or dropping off rent – in stark contrast to other occupants who he observes coming and going multiple times per day.

12. Respondent was observed in video recordings taken by the security cameras at the Building with approximately the same frequency.

13. In or about the Summer of 2024, Petitioner received a copy of a "Notice of Non-Renewal of Lease and Intention to Commence Summary Proceedings Based Upon Non-Primary

Residence” dated June 6, 2024, addressed to Amy Beth Gartrell,¹ alleging that Ms. Gartrell failed to utilize a rent-stabilized apartment located at 119 Freeman Street, Apt. 2R, Brooklyn, New York 11222 as her primary residence and instead resides at the Unit “or at another address unknown to the Landlord,” a true copy of which is annexed hereto as **Exhibit D**—although neither I nor Mr. Tan had observed her living in the Building or Unit, indicating that not only Respondent but also his spouse were improperly using the Unit as a mere mailing address.

14. Aware that Respondent was not primarily residing in the Unit and is employed by The City College of New York (“CCNY”), I performed research and discovered that CCNY has a residence hall which offers a “limited number of studio and one-bedroom suites available for faculty housing,” known as The Towers at CCNY and located at 401 West 130th Street, New York, New York 10027. A true copy of the CCNY’s “Housing and Residence Life” webpage, available at: <https://ccny-undergraduate.catalog.cuny.edu/the-division-of-student-affairs/housing-and-residence-life>, is annexed hereto as **Exhibit E**.

15. Additional investigation revealed 160 Convent Avenue, Room 109, New York, New York 10031 was the possible location of Respondent’s employment, and that a phone number listed on checks used to pay Respondent’s rent corresponded to the address 156 Noble Street, Brooklyn, New York 11222.

16. Thus, Petitioner caused to be served on Respondent a “Notice of Intention to Discontinue a Hotel Tenancy and to Commence an Action or Proceeding Based on Non-Primary Residence” dated December 24, 2024, terminating Respondent’s hotel tenancy based upon

¹ Upon information and belief, Amy Beth Gartrell is Respondent’s spouse (see, [Doc.13](#)), having married on or about April 22, 2022. A true copy of the Honeyfund.com, Inc. website for “Amy & Patterson,” which is, upon information and belief, Respondent’s wedding registry website, available at: <https://www.honeyfund.com/wedding/gartrell-beckwith-04-22-2022> is annexed hereto as **Exhibit C**.

Respondent’s non-primary residence of the Unit as of March 31, 2025 (the “**Termination Notice**”). A true copy of the Termination Notice, with proof of service thereof, is annexed hereto as **Exhibit F**.

17. Following the expiration of the Termination Notice, Petitioner instructed its attorneys to commence the instant holdover proceeding.

18. Petitioner’s attorneys inform me that Respondent has moved to dismiss this proceeding, for summary judgment, and/or for discovery of Petitioner, which should soundly be denied by this Court, including for the reasons set forth in Petitioner’s annexed attorney’s Affirmation and Memorandum of Law.

19. In addition to the basis for its belief that Respondent was not using the Unit as his primary residence detailed above, Petitioner retained the services of InfoTactic Group, Inc. (“**InfoTactic**”), an investigative and surveillance services company, to review years’ worth of security camera footage recorded at the Building to verify Respondent’s presence at the Building and/or Unit and to document all instances when Respondent appeared on camera during the period of December 2021 through December 2024.

20. Annexed hereto as **Exhibit I** is a true copy of the Security Camera Footage Analysis & Expert Witness Report dated May 20, 2025, prepared by Licensed Private Investigator for InfoTactic, Roman Khaykin, certified “under penalty of perjury [to be] true and correct,” providing the detailed methodology as well as the chain of custody and file verification procedures followed in preparing said report, with Appendix A: Chain of Custody, Appendix B: Complete File Inventory, Appendix C: Video Timeline Analysis BECKWITH 2021-2024 Report, and Appendix D: Technical Specifications of Axis Camera System (the “**InfoTactic Report**”).

21. The InfoTactic Report goes into minute detail, summarizing that in a three (3) year span from December 5, 2021 through December 13, 2024, Respondent was seen at the Building on a total of one hundred twenty-four (124) days out of more than one thousand total days of footage reviewed, broken down as: (i) four (4) days in December 2021; (ii) forty-eight (48) days in 2022; (iii) forty-six (46) days in 2023; and (iv) twenty-six (26) days in 2024. See, Ex. I, par. 6.1, Appendix C.

22. The InfoTactic Report further details that Respondent’s rare visits were also brief, often lasting mere minutes and at most mere hours, and shows that Respondent seemingly never resided in the Unit overnight. See, Ex. I, Appendix C.

23. The InfoTactic Report concluded that Respondent “was absent from the residence for approximately 98.7% of the total time during the analysis period.” Ex. I, pars. 6.3, 6.4, 8.1, 9.4.

24. Petitioner’s attorneys inform me that Respondent attempts to explain away his apparent absence from the Unit for essentially the entire duration of Petitioner’s ownership of the Building with claims of work and/or vacation travel, and/or that conditions in the Unit and Building somehow justified his well-documented absenteeism.

25. However, Respondent did not file a complaint for diminution of services with DHCR until December 2024 (see, Doc.18), and I am unaware of any complaints by Respondent to the New York City Department of Housing Preservation and Development (“**HPD**”), the New York City Department of Buildings (“**DOB**”), or otherwise concerning these alleged conditions which purportedly led to his absenteeism until Respondent joined other occupants of the Building in filing an HP proceeding against Petitioner in April 2025.

26. In Petitioner’s further investigation into Respondent’s nonprimary residence,

Petitioner found that Respondent and his spouse, Amy Beth Gartrell, purchased properties in Pittsburgh, Pennsylvania. See, Ex. C (Respondent’s apparent wedding registry which states, “We’re lucky to already have an apartment full of everything we need, so please enjoy browsing our Honeyfund wish list, where you can contribute funds to our new home. It’s a rowhouse in Pittsburgh - small but cute. We own the house outright, but need to do work on it to bring it up to code. Fortunately it’s sound and doesn’t need a roof or anything - just some renovation. We’re doing a lot of work ourselves, (and hiring people where we can’t.)”)

27. Annexed hereto as **Exhibit J** is a true copy of a deed for 7483 and 7485 Delmar Way, Pittsburgh, Pennsylvania 15218, dated October 27, 2020, and recorded November 16, 2020, conveying said parcels to Shiras P. Beckwith and Amy-Beth C. Gartrell as “joint tenants with the right of survivorship and not as tenants in common”; annexed hereto as **Exhibit K** is a true copy of a deed for 7487 Delmar Way, Pittsburgh, Pennsylvania 15218, dated January 3, 2024, and recorded January 5, 2024, conveying said parcel to Shiras P. Beckwith and Amy-Beth C. Gartrell as “husband and wife.”²

28. Additionally, Petitioner confirmed with the occupant of Apartment #2A of the Building across the hall from Respondent, Yousef Girgist Salama, that he has never observed Respondent living full-time in the Unit in his decades of tenancy of the Building, having only seen him a handful of times through the years, and obtained an affidavit from Mr. Salama to that effect sworn to on May 20, 2025, annexed hereto.

29. Thus, Petitioner’s attorneys inform me that Petitioner has adduced ample evidentiary support and basis for the clearly defined allegations set forth in the Termination Notice

² While both deeds list the Apartment as both Respondent’s and Amy Beth Gartrell’s address, Petitioner maintains that neither live in the Apartment as their primary residence.

(Ex. F) and Petition (Ex. G), that Respondent does not use the Unit as his primary residence, and the Court should deny dismissal of this holdover proceeding.

30. Petitioner’s attorneys further inform me that the Court should deny Respondent’s wide-ranging request for years’ worth of surveillance camera footage, metadata, and the like which “would necessarily amount to thousands of hours, requiring weeks to ensure meaningful review” (Doc.25, p.14), all “at Petitioner’s sole expense” (Doc.25, p.3), as Respondent has failed to establish ample need for these overbroad, unduly burdensome demands which will cause untold prejudicial delay and allow Respondent to tailor his defense and testimony, particularly as it is unnecessary in light of the detailed InfoTech Report and Appendices thereto (Ex. I), which fully satisfy Respondent’s discovery demands.

31. On the other hand, Petitioner’s attorneys inform me that the Court should grant Petitioner’s cross motion for discovery, as the facts concerning the extent and nature of Respondent’s alleged occupancy of the Unit are particularly within his knowledge.

32. Therefore, Petitioner respectfully requests that the Court deny Respondent’s motion in its entirety and grant Petitioner’s cross motion in its entirety.

I affirm this 26th day of June 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



MICHAEL GEYLIK