

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

Index No. HP 307504/2025

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

Petitioners,

**AFFIRMATION IN  
FURTHER SUPPORT OF  
RESPONDENTS'  
CROSS-MOTION**

-against-

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

Respondents

-and-

NYC DEPARTMENT OF HOUSING PRESERVATION AND  
DEVELOPMENT OF THE CITY OF NEW YORK, and  
NYC DEPARTMENT OF BUILDINGS,

Co-Respondents.

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**M. DAVID FONSECA**, an attorney duly admitted to practice before the Courts fo the  
State of New York, hereby affirms the following to be true under the penalties of perjury:

1. I am a Partner with the law firm of **KUCKER, MARINO, WINIARSKY &  
BITTENS, LLP**, attorneys for the Respondents, 109E9 LLC, MICHAEL GEYLIK, MGNY  
CONSULTING CORP., and YURI GEYLIK (the "Respondents") in this Housing Part proceeding.  
As such, I am fully familiar with the facts and circumstances concerning this action as further set  
forth below.

2. This Affirmation is submitted in further support of Respondents' Cross-Motion  
seeking to dismiss this proceeding as against Respondents MGNY CONSULTING CORP.  
("MGNY"), and YURI GEYLIK.

3. Petitioners opposition papers fail to rebut Respondent Michael Geylik's affidavit, which demonstrates that Respondents Yuri Geylik and MGNY have no control, direct or indirect, over the premises. Petitioners would have this court assign ownership pursuant to the Housing Maintenance Code to a corporate tenant at the building in question simply because both the corporate tenant and the corporate landlord have some principles in common. Such an expansion of the definition of ownership is improper and go far beyond the intent of the statute.

4. Without a shred of evidence, Petitioners further make a broad leap in an effort to assign control of the everyday operations to Yuri Geylik. Yuri Geylik, while a member of the LLC that owns the subject building, is neither the head officer nor responsible for the management of the building. Furthermore, Yuri Geylik is not listed on the building's Multiple Dwelling Registration as the corporate officer responsible for the building's operation. To wit, Petitioners would look to name all members of the LLC to this case, but that is simply not permitted by nor the purpose of the statute.

5. Petitioners' motion papers are replete with misleading generalizations and unsubstantiated arguments. For example, Petitioners claim that the fact that Yuri Geylik agreed to wait at MGNY's office after regular hours so that some of the Petitioners who requested special times to pick up new keys for the building's front entrance door could retrieve said keys, is proof that Yuri Geylik is involved in the operations of the building.

6. Petitioners cite to *Leung v Zi Chang Realty Corp.*, 74 Misc 3d 126(A) (App Term, 1st Dept., 2022) in support of their claim that MGNY should be deemed an owner. However, *Leung* held that the corporate respondent's officer was a proper party because, after a trial that included extensive and detailed findings with ample, un rebutted testimonial and documentary evidence, the

court found that officer was “intimately involved in the day to day operations of the building,” and, therefore, directly or indirectly in control of the building. Petitioners herein make the farcical leap that MGNY is an owner pursuant to § 27-2004(a)(45) of the Administrative Code of the City New York because an employee of MGNY (non-party Mint Tan) has attested to helping Michael Geylik with certain aspects of running the building and because Michael Geylik is an officer of both 109E9 LLC and MGNY. By no reasonable standard does this evidence MGNY as being intimately involved in the day-to-day operations of the building.

7. So as to eliminate any confusion, MGNY and Yuri Geylik are not involved in the daily operations and management of the building, nor are they responsible for effectuating repairs and addressing violations. Respondents 109E9 LLC and Michael Geylik are the parties who operate the building, who are in control of addressing open violations, obtaining permits and undertaking any necessary work.

8. Indeed, 109E9 LLC and Michael Geylik are the parties that have been involved in addressing the DOB violations, which—contrary to Petitioners’ claims—consist of two (2) related “emergency work orders,” one (1) of which (No. FEU10301PN) was immediately complied with by the installation of temporary shoring, and the other (No. FEU10302PN), which required an evaluation of the entire building, the filing of “repair drawings” with DOB and performing “permanent repairs.” In fact, the permanent repairs were approved by DOB and a permit was issued under DOB Job No. M01181265, however, this permit has been administratively stayed because the Certificate of No Harassment (“CONH”) that was a prerequisite for DOB’s issuance of the permit has been suspended by HPD while Petitioners’ claims of harassment are adjudicated by the

New York City Office of Administrative Trials and Hearings (“OATH”)<sup>1</sup>.

9. The third violation that is mentioned by Petitioners (denominated as No. VIO25-00666 on the DOB website) is not a violation, but rather a notice of intent to revoke approvals for the aforementioned permit solely due to the fact that the CONH has been suspended.

10. For the sake of eliminating any confusion that Petitioners’ counsel deleteriously attempts to create, none of what Petitioners’ counsel refers to as “violations” are “unresolved.”

11. Nor is Petitioners’ counsel’s claim that Respondents misrepresented the number of occupied dwellings in the building on the application for Job No. M01181265. In fact, there are only four (4) dwellings that are occupied by the lawful tenants, not six (6)—the other two (2) dwellings are not occupied by the tenants of record and there are pending “non-primary residence” holdover proceedings in Housing Court under Index Nos. LT 306106/25 (against Shiras Patterson Beckwith) and LT 306109/25 (against James T. Hicks).

12. As to the representation on the application for Job No. M01181265 that the building will have no occupied units during construction, in fact, as Petitioners’ counsel is well aware, the repairs cannot be performed while the units are occupied. In fact, the application was fully vetted by the DOB Forensic Engineering Unit (“FEU”); Respondents’ engineer engaged in an extensive review with the FEU prior to the application being approved; and the contents of the application are consistent with the FEU’s findings, which has confirmed that the building cannot be occupied while the repairs are performed.

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<sup>1</sup> The CONH was approved by HPD on or about March 5, 2024; however, following allegations of harassment being lodged by Petitioners to HPD (unbeknownst to Respondents), on April 8, 2025 HPD notified Michael Geylik that the CONH has been suspended. Consequently, DOB administratively stayed the permit issued under Job No. M01181265. The CONH suspension is currently being tried before Administrative Law Judge Christine Stecura under OATH Index No. 1984/25.

