

Short Form Order

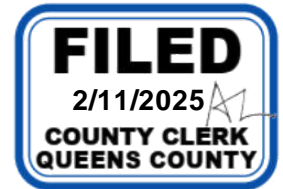
NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE DENISE N. JOHNSON IAS Part 11  
Justice

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In the Matter of the Application of ARGENTINE LEASING LIMITED PARTNERSHIP, AUBURN LEASING LIMITED LIABILITY COMPANY BIRCH LEASING LIMITED PARTNERSHIP, BUCKNELL REALTY LIMITED PARTNERSHIP, CANADA LEASING LIMITED LIABILITY COMPANY, CEYLON LEASING LIMITED PARTNERSHIP, COLUMBIA LEASING LIMITED PARTNERSHIP, COPENHAGEN LEASING LIMITED PARTNERSHIP, LA FRANCE LEASING LIMITED PARTNERSHIP, LONDON LEASING LIMITED PARTNERSHIP, ROME REALTY LEASING LIMITED PARTNERSHIP, SYDNEY LEASING LIMITED PARTNERSHIP, TOWN LEASING LIMITED LIABILITY COMPANY, UESS LEASING LIMITED LIABILITY COMPANY, WASHINGTON LEASING LIMITED PARTNERSHIP, and WELLINGTON LEASING LIMITED PARTNERSHIP,

Index No.: 703941/2024



Petitioner(s),

Motion Date: 7/16/24

For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules  
- and -

Motion Cal. No.: 13 & 14

OFFICE OF COURT ADMINISTRATION, THE CIVIL COURT OF CITY OF NEW YORK, HON. JOSEPH A. ZAYAS, in his capacity of Chief Administrator, BIRDENA FRYE, in her capacity as Clerk of Queens County, ALIA RAZZAQ, in her capacity of Chief Clerk of the Civil Court of the City of New York, and HON. CAROLYN WALKER-DIALLO, in her capacity as Administrative Judge of the Civil Court of the City of New York,

Motion Seq. No: 1 & 2

Respondent(s).

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The following papers numbered EF 1-40 read on this motion by Petitioners for an Order pursuant to Article 78 of the CPLR granting, inter alia, a writ of mandamus against the Respondents compelling them to act pursuant to various provisions of the New York State Real Property Actions and Proceedings Law ("RPAPL") and on Respondents motion for an order granting the proposed Intervenor-Respondents Make the Road New York, Housing Court Answers, and MinKwon Center for Community Action's leave to intervene in the subject Action.

	Papers
	<u>Numbered</u>
Notice of Petition – Petition – Affirmations – Exhibits - Service . . . . .	EF 1-28
Answer – Affirmation in Opposition – Affirmations – Exhibits - Service . . . . .	EF 38-40
Affirmations – Exhibits - Service . . . . .	EF 26-27

Upon the foregoing papers it is **ORDERED** that the motions are decided as follows:

This is a special proceeding pursuant to Article 78 seeking an order, *inter alia*, issuing writs of mandamus compelling Respondents to comply with specific provisions of the Real Property Actions and Proceedings Law namely §§ 732(2), 745, and 749 of the RPAPL, and a writ of prohibition to enjoin Respondents from not complying with the same. This special proceeding was commenced on February 21, 2024, by the filing of a Petition with Notice. Respondents oppose the motion and seeking dismissal of the Petition. Non-Parties Housing Court Answers, and The Rent Stabilization Association of NYC, Inc. move for an order granting the proposed Intervenor-Respondents leave to intervene in the subject Action.

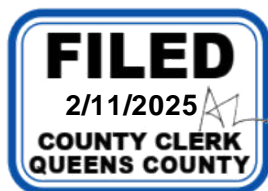
Petitioners herein seek a writ of mandamus to compel the named defendants to comply with specific provisions of the Real Property Actions and Proceedings Law namely §§ 732(2), 745, and 749 of the RPAPL, and a writ of prohibition to enjoin Respondents from not complying with the same. Respondents oppose this motion and assert, *inter alia*, that Petitioners are seeking a remedy for which they are not entitled as they have not established that they have suffered an injury. Firstly, it is noted that the parties named herein are improper parties to the action and the Petitioners have failed to name the necessary parties to the action which automatically warrants dismissal. Furthermore, Petitioners have failed to establish that writs should issue as there is no showing that is a clear right to the relief sought herein. Lastly, “It is ancient and undisputed law that courts have an inherent power over the control of their calendars and the disposition of business before them... This power is not derived from nor dependent upon legislative grant” (*Holland v State*, 134 Misc 2d 826, 828 [Ct Cl 1987]). Petitioners seek to have this court strip this inherent power from the Judges of Civil Court of the City of New York without notice as Petitioner failed to name any of them in this action. Assuming they were properly named in this action the relief sought would not be granted. It is not for this court to dictate how another court controls

and manages the matters before them. Therefore, this Petition is DENIED, and the action is hereby DISMISSED.

As the petition has been denied and the matter dismissed the motion by proposed Intervenor-Respondents Make the Road New York, Housing Court Answers, and MinKwon Center for Community Action's leave to intervene in the subject action is DENEID as moot.

The foregoing shall constitute the decision and order of this court.

Dated: February 10, 2025



*Denise N. Johnson*  
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**DENISE N. JOHNSON**  
**J.S.C.**