

Index Number LT: 70826/00

Rama and Manjula, LLC
(A Corporation)

Petitioner

against

Christine Fye and John Doe

Respondents

**Affidavit in Support of
An Order to Show Cause
to Vacate a Judgment
Based Upon
Defective Stipulations of Settlement
and
To Restore to the Calendar**

Address: 26 Bushwick Avenue
Brooklyn, NY 11211 Apt. 2-F

State of New York, County of Kings :

Robert Pollard ("John Doe"), being duly sworn, deposes and says:

1. **Party:** I am a tenant named as respondent in the above summary proceeding and am the husband and partner of Christine Fye, who is the other tenant named as respondent and who concurs in this affidavit.
2. **Excuse:** A Judgment was entered after stipulation, but Christine Fye and I failed to comply with the Order of the Court because we are convinced that the Stipulations of Settlement are defective - failing to uphold principles and practices of justice and law - as they had been entered into on the basis of Petitioner's unlawful use of this Honorable Court, and in the absence of Jurisdiction of the Housing Part of this Honorable Court to act on Petitioner's complaint as Petitioner had failed to register 26 Bushwick Avenue as a Multiple Dwelling, and for other reasons that we have presented in Motions filed with this Honorable Court, supplemented by arguments that we will present in a forthcoming Motion to Vacate Stipulations of Settlement with appropriate accompanying affidavits and documentation.
3. **Defense:** I allege that we have a good defense because:
 - a. Christine Fye had entered into the initial Stipulation of Settlement against her better judgment:
 - i. in good faith that Petitioner had been acting with the force of law in having brought the initial complaint against us, and
 - ii. in the face of forceful persuasion by Petitioner's attorney that this Honorable Court would not afford us the opportunity for a just and satisfactory remedy:
 - (1) For Petitioner's retaliatory refusal to renew our lease, and;
 - (2) For Petitioner's persistent and continuing failure to maintain a Warrant of Habitability for our home;
 - b. We subsequently challenged the legitimacy of the initial Stipulation of Settlement - having become aware, *inter alia*, of Petitioner's failure to have registered the building as a Multiple Dwelling and

of Petitioner's consequent forfeiture of the right to make use of the jurisdiction of the Housing Part of this Honorable Court;

- c. In the course of a subsequent hearing before this Honorable Court, we became convinced that we had no reasonable choice but to enter into a second Stipulation of Settlement in the face of threats of immediate eviction following our inability to have our contentions, arguments and evidence as to the illegitimacy of the initial Stipulation adequately considered by this Honorable Court, and;
 - d. For additional reasons that we will present in our forthcoming Motion to Vacate Stipulations of Settlement.
4. **Request:** I request that the Judgment be vacated, that the case be restored to the calendar, and that I be granted permission to serve these papers in person.
5. **Prior Order:** We have had a previous Order to Show Cause regarding this index number, but I am making this further application because the Honorable Judge in this case granted us permission, in his Decision on August 7, 2000, to present a new motion with appropriate affidavits and documentation if we felt that the stipulations of July 5 and May 19, 2000 should be vacated. Specifically, the Honorable Judge's Decision on August 7 was as follows:

"After argument, respondents' motion is denied. If respondents feel that the stipulations of 7/5/00 and 5/19 should be vacated, they can present a new motion with appropriate affidavits and documentation."

Sworn to before me this 17th day of August, 2000

Signature of Respondent

Signature of Court Employee and Title