

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----X  
MIKHAIL FAIDA AND TATYANA FAIDA,  
Plaintiff,  
-against-

**Index No.:** 23741/2012

**JUDGMENT**

THE BOARD OF MANAGERS OF THE OCEANVIEW  
TOWERS CONDOMINIUM ASSOCIATION  
Defendant,  
-----X

The Plaintiffs, Mikhail and Tatyana Faida, brought this action by filing of a Summons and Complaint on December 14, 2012 in the New York State Supreme Court, Kings County; on April 16, 2013, a non attorney purported to have served Plaintiffs with an answer on behalf of the Defendant; on December 14, 2012 Plaintiffs moved by order to show cause seeking a preliminary injunction to enjoin and restrain the Defendant, its agents, employees, representatives, servants, and any other persons or entities acting by or on its behalf, or under its direction or supervision, from interfering with the exclusive license of the Plaintiffs to use parking space PS11 at the Oceanview Tower Condominium, located at 2964 Brighton 6 Street, Brooklyn, NY, including but not limited to selling either another license or the License to another or conducting the threatened auction to do so; said motion resulting in the July 8, 2013 order of the Hon. Larry D. Martin, J.S.C., which granting the Plaintiffs motion, and pursuant to said order, the Plaintiffs posted an undertaking for \$1,000.00 with the Clerk of the Court on August 15, 2013; the Plaintiffs having moved for a default judgment, and said motion resulting in the October 6, 2014, the Hon. Larry D. Martin J.S.C., which granted Plaintiffs' motion;

**NOW**, upon motion of TSYNGAUZ & ASSOCIATES, P.C., attorneys for the Plaintiffs, it is

**ADJUDGED**, the April 10, 2008 license for the exclusive rights to use parking space PS11 at 2964 Brighton 6 Street, Brooklyn, NY, between the Board of Managers of the Oceanview Tower

Condominium and ALSA Development LLC, as assigned by the October 15, 2009 assignment of license by ALSA Development LLC to Plaintiffs Mikhail Faida and Tatyana Faida, is valid and enforceable, that the Plaintiffs are the current licensees and have all rights thereunder; and it is

**FURTHER ADJUDGED**, that Defendant, its agents, representatives, servants, tenants, guests, licensors and any other persons or entities acting by or on its behalf, or under its direction or control are permanently enjoined from interfering with the aforementioned license, including but not limited to selling either another license for said parking space or the aforementioned license to another; and it is

**FURTHER ADJUDGED**, that the undertaking filed by Plaintiffs in the amount of \$1000.00 on August 15, 2014 and docketed by the Kings County Clerk in connection with the instant action, is hereby vacated; and it is

**FURTHER ADJUDGED**, that Plaintiff is awarded the costs and disbursements of this action; and it is

**FURTHER ADJUDGED**, that the Plaintiffs, Mikhail Faida and Tatyana Faida, may enforce the Judgment; and it is

**FURTHER ADJUDGED**, that the Plaintiffs, Mikhail Faida and Tatyana Faida, do recover costs and disbursements as taxed in the sum of \$ 640.00 within interest thereupon from the 11<sup>th</sup> day of October, 2011, against the Defendants, **The Board Of Managers of the Oceanview Towers Condominium Association**, and the Plaintiffs, Mikhail Faida and Tatyana Faida, have execution therefor.

*40 TSYNGAUZ + 7000.874 577 AK*  
*11/17/14*

*2964-3154706 ST. APT 20 BLDG 17*  
*11/25*

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CLERK

Judgment signed this 11<sup>th</sup> day of December, 2014

**SO ORDERED:**

DEC 01 2014

**HON. LARRY MARTIN**  
**JUSTICE OF THE SUPREME COURT**

*Nancy T. Sunshine*  
**NANCY T. SUNSHINE**  
Clerk

ENTER:

Hon. Larry D. Martin, J.S.C.

Clerk

At an IAS Term, Part 41 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on the 6<sup>th</sup> day of October, 2014

P R E S E N T:

HON. LARRY D. MARTIN,

Justice.

-----X  
MIKHAIL FAIDA and TATYANA FAIDA,

Plaintiffs,

- against -

Index No. 23741/12

THE BOARD OF MANAGERS OF THE OCEANVIEW  
TOWERS CONDOMINIUM ASSOCIATION.,

Defendant.  
-----X

The following papers numbered 1 to 3 read on this motion:

Notice of Motion/Order to Show Cause/  
Petition/Cross Motion and  
Affidavits (Affirmations) Annexed \_\_\_\_\_  
Opposing Affidavits (Affirmations) \_\_\_\_\_  
Reply Affidavits (Affirmations) \_\_\_\_\_  
Affidavit (Affirmation) \_\_\_\_\_  
Other Papers \_\_\_\_\_

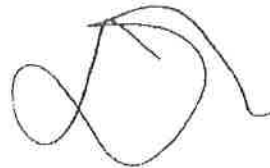
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2015 OCT 17 AM 8:38  
Papers Numbered  
1-2  
3

Upon the foregoing papers, plaintiffs Mikhail Faida and Tatyana Faida ("plaintiffs") move for an order: (1) pursuant to CPLR 3211(b), 3211(a)(3) and 321(a), dismissing the answer of defendant The Board of Managers of the Oceanview Towers Condominium Association ("defendant") on the grounds that the person who interposed the answer lacks the legal capacity to do so and, upon dismissal, awarding judgment to plaintiffs for the relief

demanded in the complaint; or, in the alternative (2), if the defendant's answer is deemed a nullity, granting a default judgment in plaintiffs' favor on the grounds that defendant failed to appear or interpose an answer herein.

Upon a review of the papers submitted and on defendants' default in appearing, answering and opposing the instant motion, plaintiffs' motion is granted. The court finds that defendant's answer is a nullity. Lillian Brenner lacks standing to represent defendant in a legal capacity in the instant action (*see* CPLR 321[a]). Plaintiff is directed to settle order on notice. Plaintiff is further directed to serve a copy of this order upon defendant within 30 days of the date of this order.

ENTER,



J. S. C.

OCT 06 2014

HON. LARRY MARTIN  
JUSTICE OF THE SUPREME COURT

MG ✓  
MD  
MS# 2

FILED  
KINGS COUNTY CLERK  
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