SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: Hon. EILEEN A. RAKOWER   PART 6

Justice

GENEVER HOLDINGS LLC	INDEX NO. 152838/2020
Plaintiff,	MOTION DATE
-against-	MOTION SEQ. NO. 1
THE SHERRY-NETHERLAND, INC.,	MOTION CAL NO.
Defendant.	

The following papers, numbered 1 to _____ were read on this motion for/to

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

PAPERS NUMBERED

Answer — Affidavits — Exhibits _____

Replying Affidavits

Cross-Motion: Yes   X No

Plaintiff Genever Holdings LLC ("Plaintiff"), as tenant, commenced this action seeking a declaratory judgment that Plaintiff is entitled to the return of a portion of its security deposit from Defendant The Sherry-Netherland, Inc. ("Defendant"), pursuant to the Housing Stability and Tenant Protection Act of 2019 ("HSTPA") (L. 2019, Ch. 36, amended with Ch. 35).

Presently before the Court is Defendant's motion for an order pursuant to CPLR 3212 granting Defendant summary judgment dismissing Plaintiff's Complaint. Alternatively, Defendant seeks a judgment declaring that the security deposit is properly maintained by Defendant and not subject to diminishment. Defendant contends that Plaintiff's Complaint fails "to acknowledge that the HSTPA explicitly provides at Section 29 of Part M that the new law limiting security deposits to one month's rent became effective thirty days after June 14, 2019 and is applicable to any leases entered into after June 14, 2019."

Plaintiff does not oppose Defendant's motion for summary judgment. The motion is granted as unopposed.

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Wherefore it is hereby

ORDERED that Defendant Genever Holding LLC's motion for summary judgment is granted without opposition and the Complaint is dismissed in its entirety and the Clerk is directed to enter judgment accordingly.

This constitutes the Decision and Order of the Court. All other relief requested is denied.

Dated: OCTOBER 5, 2020

ENTER: _____

J.S.C.

HON. EILEEN A. RAKOWER

Check one: X FINAL DISPOSITION NON-FINAL DISPOSITION

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