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City Limits WEEKLY

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LANDLORDS, THINK BEFORE YOU 'SLAPP'

Bronx judge halts legal attempt to silence complaining tenants. > *J. Jonas*

Tenant organizers in the Bronx were handed a significant victory late last month when Bronx Supreme Court Justice Sallie Manzanet ruled they could countersue five landlord corporations under a statute of New York's Civil Rights Law.

According to the Northwest Bronx Community and Clergy Coalition (NWBCCC), a years-long battle began when the Coalition called attention to "substandard housing conditions in several Bronx apartment buildings, including fallen ceilings, cascading leaks, vermin infestation, and faulty security systems."

New Line Realty Corporation in 2003 sued the NWBCCC for "defamation, trespassing, and tortious interference...[as a means to], we think, keep them from organizing" for better conditions, said Wendy Stryker, an attorney for the tenants.

The landlords obtained a restraining order against the group to prevent them from organizing, claiming they were trespassing. NWBCCC's lawyers countersued the landlords under the state's "anti-SLAPP" -- Strategic Lawsuit Against Public Participation -- law aimed at preventing harassing lawsuits.

Co-counsel Ray Brescia from the Urban Justice Center, which helped represent NWBCCC, said in a press release, "This litigation has always been a thinly veiled effort by landlords to use the courts to avoid tenant pressure to make desperately needed repairs."

Stryker said New Line's claim of defamation was based on the flyers organizers distributed alerting tenants to their rights, which affected their relationship with Washington Mutual Bank in refinancing their mortgages.

NWBCCC's flyering was part of a contract it and about 40 other community groups had with the city Department of Housing, Preservation and Development to help organize and survey tenants in distressed buildings, according to Stryker. Her firm, Frankfurt Kurnit Klein & Selz, specializes in First Amendment and defamation arguments.

The landlords asked the court in 2004 to dismiss the anti-SLAPP assertion, arguing that the law didn't relate to them, as "they were not public permit holders," Stryker said.

In the spring of 2005, Justice Manzanet dismissed the injunction against NWBCCC.

Last month, the judge accepted the Coalition's anti-SLAPP premise that "landlords indeed require public permits to run their buildings, despite little case law," said Stryker, though Judge Manzanet has "not yet ruled on the merits" of their case.

"If we prove the SLAPP claim and pursue it, there can be severe damages

awarded including our attorneys' fees and costs," and NWBCCC can recover "other compensatory damages, including punitive damages," she said.

New Line Realty's lawyer did not return repeated phone calls seeking comment.
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