

# 350 BLEECKER STREET CO-OP NEWSLETTER #140

## October 12, 2001

### GARAGE LAWSUIT

The board was informed on October 10<sup>th</sup> that Judge Lynch ruled in Ken Newman's favor. Unfortunately, the text of the ruling sent by the court was delayed in the mail. On October 11<sup>th</sup>, the full 17- page ruling was posted on the co-op's web site at [www.350bleecker.com/newsletters/html/140p1.html](http://www.350bleecker.com/newsletters/html/140p1.html). All other papers previously filed by both sides in the lawsuit were already posted to the web site.

If you do not have access to the Internet, please ask any board member to print out a copy for you. It may be worthwhile to read the entire ruling, not just an isolated page or two.

Everyone on the board was disappointed and concerned by the ruling. The board is consulting its attorneys

- a. to fully understand why the judge decided in Ken Newman's favor and
- b. to understand the possible outcomes of Ken Newman's demand for payment of his legal fees and
- c. to fully explore any further steps that may be worthwhile

For example, in the past, attorneys told the board that an appeal is almost certain, regardless of what the lower court rules. That is because several million dollars are at stake. For example, 5 West 14<sup>th</sup> Street and 2 Tudor City both lost in the lower court and won on appeal. 136 East 56<sup>th</sup> Street won in the lower court and won again after the other side appealed.

Additionally, although winning parties sometimes ask for reimbursement of their legal fees, they do not always receive them. Judges often reduce the amount or deny it entirely.

It is important for the shareholders to discuss the implications of the ruling and any possible next steps. Because the issues and alternatives are complicated, the board will hold a meeting for this discussion in the next few days, during an evening to be announced shortly. Of course, everyone is welcome to contact any board member before or after that meeting. If more than 1 meeting is needed, the board will schedule several of them, depending on further events as they unfold.

### COMMUNICATION

It is difficult to communicate constructively when unsigned and/or inflammatory notes are distributed to the shareholders. Unfortunately, notes of this nature lend themselves to creating anxiety and anger.

No one on the board has her/his apartment for sale. The board does not know where this rumor came from.

In the interest of conserving paper and preserving a neighborly atmosphere, the board would like to refrain from responding to every rumor that is spread. We'd like to avoid a repetition of the flood of unpleasant notes that occurred when the garage issue first appeared several years ago.

We hope that when any shareholder has questions or comments or suggestions, she/he would simply contact a board member directly. The board's phone numbers and e-mail addresses are posted in the mailroom. The web site, [www.350bleecker.com](http://www.350bleecker.com) enables e-mails to be sent directly. If anyone wants to communicate with the entire building, it helps to sign any letters handed out. That might enable a reasonable discussion of the issues.

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