



Eviction Porn: Inside Zum Schneider's Non-Evict

Friday, August 11, 2006, by Lockhart



A preliminary injunction will be granted where the movant shows a probability of success, danger of irreparable injury in the absence of an injunction, and a balance of the equities in its favor. Actna Insurance Co., v. Capasso, 75 N.Y.2d 860 (1990). Here, as noted by the community support it has gotten, see plaintiff's exhibit 4 in its reply, and the location of the restaurant, plaintiff has clearly established danger of irreparable injury. Moreover, given that the bulk of the lease violations are de minimus and plaintiff has sought to correct all of them, and New York State's policy of preventing forfeiture of valuable leaseholds for minor infractions, plaintiff has also established a probability of success on the merits and that the equities are in his favor.

Above, the key paragraph in Judge Rolando T. Acosta's decision that no, Avenue C's **Zum Schneider** cannot be evicted despite noise, yelling, and something about ductwork.