

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE TERM : 2nd, 11th & 13th JUDICIAL DISTRICTS

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PRESENT : PESCE, P.J., WESTON and ALIOTTA, JJ.  
-----X

MANSFIELD OWNERS, INC.,

Appellant,

-against-

FEB 05 2016

NO. 2015-124 K C

DECIDED

ANNE PHILLIP and  
KIANA BRIDGEMAN,

Respondents,

-and-

NICCI also Known as  
NICOLE GOLDSON  
also Known as NICOLE GOLDEN,

Undertenant.  
-----X

Appeal from a final judgment of the Civil Court of the City of New York, Kings County (Jean T. Schneider, J.), entered December 9, 2014. The final judgment, after a nonjury trial, dismissed the petition in a holdover summary proceeding.

ORDERED that the final judgment is affirmed, without costs.

In this illegal-sublet holdover proceeding, we agree with the Civil Court's determination that the parties' extensive settlement negotiations, including the

RE: MANSFIELD OWNERS, INC. v ANNE PHILLIP,  
KIANA BRIDGEMAN and NICCI also Known as  
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acceptance by landlord of a sublet application and cashier's checks tendered by tenants, served to extend the cure period through the commencement of the proceeding (see Zuckerman v 33072 Owners Corp., 97 AD2d 736 [1983]). As it was landlord's burden to prove that tenants had failed to cure the alleged lease violation within the cure period as extended (Hudson Assoc. v Benoit, 226 AD2d 196 [1996]), and as landlord failed to meet this burden, the final judgment is affirmed.

Pesce, P.J., Weston and Aliotta, JJ., concur.

FEB 05 2016

MICHAEL L. PESCE, P.J.  
MICHELLE WESTON  
THOMAS P. ALIOTTA, JJ.

JANUARY 6, 2016 TERM  
2015-00124 K C

-----X  
MANSFIELD OWNERS, INC.,

Appellant,

-against-

Lower Court #  
100805/11

ANNE PHILLIP and  
KIANA BRIDGEMAN,

Respondents,

-and-

NICCI Also Known as  
NICOLE GOLDSON  
Also Known as NICOLE GOLDEN,

Undertenant.  
-----X

The above named appellant having appealed to this court from a **FINAL JUDGMENT** of the **CIVIL COURT OF THE CITY OF NEW YORK, KINGS COUNTY** entered on **DECEMBER 9, 2014** and the said appeal having been **argued** by **PAUL GOLDEN, ESQ.** counsel for the appellant and **argued** by **JEFFREY R. METZ, ESQ.** counsel for the respondent and due deliberation having been had thereon; it is hereby,

**ORDERED AND ADJUDGED** that the final judgment is affirmed, without costs.

Pesce, P.J., Weston and Aliotta, JJ., concur.

PAUL GOLDEN, ESQ.  
HAGAN, CORY & ASSOCIATES  
908 FOURTH AVENUE  
BROOKLYN, N.Y. 11232

ENTER:

JEFFREY R. METZ, ESQ.  
ADAM LEITMAN BAILEY, P.C.  
120 BROADWAY, 17<sup>TH</sup> FLOOR  
NEW YORK, N.Y. 10271

  
PAUL KENNY  
CHIEF CLERK  
APPELLATE TERM