

**The Cove Homeowners Assoc., Inc. v. Jordan, 3/12/15** – Plaintiff moved for a preliminary injunction enjoining the defendant from keeping her Pit Bull in her home during the pendency of the litigation. There is no prohibition to owning a pit bull within the by-law, only the requirement that such owning be subject to written permission of the Board of Directors. Therefore any allusions to a clear and unambiguous "prohibition" are disingenuous and will not serve to support the plaintiff's position. . . . Under the "clear and convincing evidence" standard it cannot be said that defendant has clearly violated a prohibition for the purposes of granting the injunction. Assuming that owning the dog was directly prohibited, the plaintiff would nonetheless fail to meet its burden as it has failed to show that the Pet Law is inapplicable herein. The papers evidence a sharp factual dispute as to the Pet Law's applicability.

**Clearview Gardens First Corporation v. Wicelinski, Sup Ct. Queens Co. 12/3/15** Notice to cure based on unauthorized harboring of a dog. The notice was defective because it set forth an incorrect date as to when the coop learned of the dog and because the notice was equivocal because it offered the shareholder the option to remove the dog instead of being evicted. Action dismissed.

**Delkap Management, Inc. v. New York State Div. of Human Rights, November 30, 2016.** Cooperative brought Article 78 proceeding for review of determination of DHR that corporation discriminated against its shareholder, who was diagnosed with rheumatoid arthritis and heart rhythm irregularities, because of her disability; and wrongfully retaliated against her. The complainant demonstrated that she was disabled and was a shareholder in the Coop. She also submitted evidence that the dog helped her with her symptoms by easing her stress and causing her to be more active. The complainant failed to present medical or psychological evidence sufficient to demonstrate that the dog was actually necessary in order for her to enjoy the apartment. SDHR's determination of discrimination based on her disability was not supported by substantial evidence.

**Brookside Senior Citizens Co-op. Community, Inc. v. Lia, Supreme Court, Putnam County, April 18, 2017.** After trial in this proceeding, commenced to determine the rights of the parties under a Proprietary Lease and By-Laws, specifically enforcement of a provision prohibiting oversized pets, Plaintiff is awarded an injunction prohibiting the defendant from having his dog "Crystal" and any substitute reside within the confines of Brookside Senior Citizens Cooperative Community Inc., based upon his breach of a valid lease/by-law prohibition against dogs who weigh over twenty pounds.

**Kennedy Street Quad, Ltd v. Nathanson, 5/19/2009** – Determination of the NYSDHR that cooperative discriminated against shareholders by refusing to allow them to keep a

dog in violation of the no dog policy to accommodate their disabilities was annulled because shareholder had to show that the it is necessary for them to keep the dog in order to use the apartment, and evidence that the dog helped with symptoms of depression did not demonstrate that dog was necessary.

**Echeverria v. Krystie Manor, LP, 3/30/2009** – Applicant for senior citizen housing claimed she was discriminated against because the complex rejected her application to purchase because they refused to make a reasonable accommodation for her handicap which prevented her from walking her companion dog off the premises as required by the rules. Court found issues of fact requiring a trial of a claim under the federal Fair Housing Act

**Board of Managers of Suffolk Homes Condominium v. Cheng, (Sup. Ct. NY Co. 12/2/2008)** – Board was entitled to a declaratory judgment that unit owner who had 4 cats and 4 dogs was in violation of pet policy, and pet law did not apply to a condominium. Board was not entitled to a preliminary injunction removing excess pets because they could not show irreparable injury and there was no evidence of a nuisance. Action to proceed to trial.

**Board of Managers of the Cove Club Condominium v. Jacobson, 6/4/13** - The issue in this case, of whether the condo can lawfully evict defendants' dog from its premises, is no longer a live controversy since the dog died during the pendency of the appeal. Defendants' motion for summary judgment dismissing the complaint or, alternatively, for a stay of the proceedings pending an investigation by the New York State Division of Human Rights, unanimously dismissed as moot.

**East River Housing Corp. v. Aaron, (Civil Ct. NY Co. 7/17/13)** - Coop brought a summary holdover proceeding based on the allegation that Respondent was violating her lease by harboring a dog. Respondent cross-moved for a stay pending the outcome of Respondent's discrimination complaint at the State Division of Human Rights (DHR). The court initially denied Respondent's motion for a stay based on a determination by DHR that there is no probable cause to believe landlord engaged in any discriminatory practice, and granted the coop's cross-motion for summary judgment, awarding the coop a final judgment of possession. The DHR initially found that the evidence does not support that Complainant's dog is necessary as opposed to helpful.