

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

1                   At a stated term of the United States Court of Appeals for the Second  
2 Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the  
3 City of New York, on the 7<sup>th</sup> day of June, two thousand eighteen.  
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5 PRESENT:

6                   ROSEMARY S. POOLER,  
7                   RAYMOND J. LOHIER, JR.,  
8                   *Circuit Judges,*  
9                   RICHARD J. SULLIVAN,\*  
10                  *District Judge.*

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13 Abdul Khaliq Vayani, Security Guard, 146 West  
14 29th Street Owners Corporation,

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16                   *Plaintiff-Appellant,*

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18                   v.

17-2767

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20 146 West 29th Street Owners Corporation, Berik  
21 Management, Managing 146 Building, President  
22 Rikin Sheth, Berik Management, Geeta Pathak,  
23 Former Accountant Verik Management, Local  
24 Union 32BJ SEIU, Michael Fishman, Union  
25 Trustees for all benefit funds: Former Chairman  
26 of the Building Service 32BJ Benefit Funds,

\_\_\_\_\_  
\* Judge Richard J. Sullivan, of the United States District Court for the Southern District of New York, sitting by designation.

1 Former President Trustee Local Union 32BJ and  
2 Present Vice President SEIU Washington,  
3 Hector J. Figueroa, Union Trustees for all  
4 benefit funds: President and former Secretary  
5 Treasurer, Local 32 BJ, SEIU President and  
6 Trustee Local Union 32 BJ, SEIU, Todd Jennings,  
7 Officer Union 32BJ, Denis Johnston, Vice  
8 President Union 32BJ, Mike Graham, Officer  
9 Union 32BJ, Thomas Giordano, Officer Union  
10 32BJ, Address: 25 West 18th St., New York, NY  
11 10011, Howard I. Rothschild, Employer Trustees  
12 for all benefit funds: Secretary of the Building  
13 Service 32BJ Benefit Funds and President of the  
14 Realty Advisory Board of Labor Relations, Inc.,  
15 John Santora, Employer Trustees for all Benefit  
16 Funds: Chief Operating Officer and Executive  
17 Vice President, Asset Services, Cushman &  
18 Wakefield, Inc., Charles Dorego, Esq. Employer  
19 Trustees for All Benefit Funds: General Counsel,  
20 Glenwood Management, Ward Fred, Employer  
21 Trustees for all benefit funds: Vice President for  
22 Labor Relations, One Source, Michael P.  
23 Fishman, Union Trustees for all benefit funds:  
24 Former Chairman of the Building Service 32BJ  
25 Benefit Funds and Former President of Local 32  
26 BJ, SEIU Washington, Kevin J. Doyle, Union  
27 Trustees for all benefit funds: Executive Vice  
28 President, Local 32 BJ, SEIU, Brian Lambert,  
29 Additional Union Trustees: Health Fund: Vice  
30 President, Local 32 BJ SEIU, Kyle Bragg,  
31 Additional Union Trustees: Pension Fund: Vice  
32 President, Local 32 BJ, SEIU, Larry Engelstein,  
33 Additional Union Trustees: SRSP: Assistant to  
34 the President, Local 32BJ, SEIU, John Pagnotta,  
35 Additional Union Trustees: Shortman Fund,  
36 District leader, Local 32BJ, SEIU, Lenore  
37 Friedlaender, Additional Union Trustees: Legal  
38 Fund: Vice President, Local 32BJ, SEIU, Susan  
39 Cowell, Executive Director, Building Service  
40 32BJ, 25 West 18 Street, New York, NY  
41 10011-1991, Regine Breton, Building Service  
42 32BJ Benefit Funds Administrators Fund  
43 Directors: Pension Fund and SRSP, Angelo  
44 Dascoli, Building Service 32BJ Benefit Funds

1 Administrators Fund Directors: Health Fund,  
2 Linda Nelson, Building Service 32BJ Benefit  
3 Funds Administrators Fund Directors:  
4 Shortman Fund, Alan Snyder, Building Service  
5 32BJ Benefit Funds Administrators Fund  
6 Directors: Legal Fund,

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8 *Defendants-Appellees,*  
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10 Tim Rockholt, Service Employment  
11 International Union SEIU Washington, Michael  
12 Geffner, Union 32 BJ Counsels, RAAB Sturm,  
13 Goldman & Ganchrow, LLP, Joseph Labuda  
14 Counsel 146 West Building and Berik  
15 Management, Milman Labuda Law Group  
16 PLLC, Mevani West Side Stores Owner,  
17 Chandru Hasso, Michael Prezzels, Rakhani,  
18 Kishan Advani, Jay Kapadia, Saman Kukreja,  
19 Sanjay Kukreja, Jal Bilmoria, Keshab Raj  
20 Seadie, Shamina Khan, Chandru Jotwani,  
21 Sanjay Grover, Manu Pohani, Nari Pohani,

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23 *Defendants.*  
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27 **FOR PLAINTIFF-APPELLANT:** Abdul K. Vayani, pro se, Avenel, N.J.

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29 **FOR DEFENDANTS-APPELLEES:**  
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31 **SERV. EMPS. INT'L UNION, ET AL.** Walter M. Meginniss, Jr., Gladstein, Reif &  
32 Meginniss, LLP (Olivia Singer, Office of the  
33 General Counsel, SEIU Local 32BJ, *on the*  
34 *brief*), New York, N.Y.

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36 **HECTOR J. FIGUEROA, ET AL.** Ira A. Sturm, Raab, Sturm & Ganchrow,  
37 LLP, Fort Lee, N.J.

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40 **146 W. 29TH ST. OWNERS CORP., ET AL.** Meredith Cavallaro, Paduano & Weintraub  
41 LLP, New York, N.Y.  
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1 Appeal from a judgment of the United States District Court for the Southern District of  
2 New York (Koeltl, J).

3 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND**  
4 **DECREED** that the judgment of the district court is **AFFIRMED**.

5 Appellant Abdul Vayani, proceeding pro se, appeals from the district court's judgment  
6 dismissing his complaint. Vayani sued his employer, a union that represented its employees,  
7 and various managers, employees, trustees, and administrators of the employer, the union, and  
8 the union's benefit funds ("the Funds"). He alleged principally that the defendants had  
9 conspired to prevent him from joining the union and thereby obtaining certain benefits. The  
10 defendants moved to dismiss. Because the Funds defendants submitted documents outside the  
11 pleadings with their motion to dismiss, the district court converted their motion into a motion for  
12 summary judgment. The district court then granted the defendants' motions to dismiss and for  
13 summary judgment, reasoning that each of Vayani's claims was either time barred or collaterally  
14 estopped by a 2010 arbitration determination that Vayani was not a union member. Vayani  
15 appeals. We assume the parties' familiarity with the underlying facts, the procedural history of  
16 the case, and the issues on appeal.

17 "We review *de novo* a district court's dismissal of a complaint pursuant to Rule 12(b)(6),  
18 construing the complaint liberally, accepting all factual allegations in the complaint as true, and  
19 drawing all reasonable inferences in the plaintiff's favor." *Chambers v. Time Warner, Inc.*, 282  
20 F.3d 147, 152 (2d Cir. 2002). We review a district court's grant of summary judgment *de novo*,  
21 drawing all factual inferences in favor of the non-moving party. *Sousa v. Marquez*, 702 F.3d  
22 124, 127 (2d Cir. 2012).



**Additional material  
from this filing is  
available in the  
Clerk's Office.**