UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

(Filed Jun. 17, 2019)

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.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshal United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of June, two thousand nineteen.

PRESENT:

DEBRA ANN LIVINGSTON,
GERARD E. LYNCH
RICHARD J. SULLIVAN,
Circuit Judges.

Elaine Ward,

Plaintiff-Appellant,

v. 17-2973

City of New York, Scott Stringer, New York City Comptroller, Bill de Blasio, New York City Mayor, Aisha Norflett, The NYC DOB, Director of Licensing Unit, Rick Chandler, The NYC Department of Buildings Commissioner, Michael Cardozo, Former Corporation Counsel, Robert Limandri, Former NYC DOB Commissioner, Drake Colley, NYC Law Department Sr. Appeals Attorney, Louise Moed, NYC Law Department of Counsel, Richard Paul Dearing, NYC Law Department Attorney, Luiggy Gomez, NYC Law Department Messenger, Moses Williams, NYC Law Department Notary, Debra Herlica, NYC Building Special Investigations Director, Patricia Pena, NYC BSIU Attorney, Zachary W. Carter, Plumbing Foundation City of New York, Inc., Lawrence Levine, Chairman of the board of Directors, Licensed Master Plumber of the City of New York, Stewart O'Brien, Executive Director of the Plumbing Foundation, The Law Offices of Stuart A. Klein, Peter E. Sayer, Esq., Stuart A. Klein, Esq., Par Plumbing, AKA The PAR Group, LT. Terrance O'Brien, Assistant Deputy Director of the Plumbing Foundation,

Defendants-Appellees.

FOR PLAINTIFF-APPELLANT	Elaine Ward, *pro se*, Flushing, NY.
FOR DEFENDANTS-APPELLEES City of New York, Scott Stringer, New York City	

Comptroller, Bill de Blasio, New York City Mayor, Aisha Norflett, The NYC DOB, Director of Licensing Unit, Rick Chandler, The NYC Department of Buildings Commissioner, Michael Cardozo, Former Corporation Counsel, Robert LiMandri, Former NYC DOB Commissioner, Drake Colley, NYC Law Department Sr. Appeals Attorney, Louise Moed, NYC Law Department of Counsel, Richard Paul Dearing, NYC Law Department Attorney, Luiggy Gomez, NYC Law Department Messenger, Moses Williams, NYC Law Department Notary, Debra Herlica, NYC Building Special Investigations Director, Patricia Pena, NYC BSIU Attorney, and Zachary W. Carter:	Jane L. Gordon, Diana Lawless, *of Counsel*, *for* Zachary W. Carter, Corporation Counsel of the City of New York, New York, NY.
FOR DEFENDANTS-APPELLEES	
The Law Offices of Stuart A. Klein, Peter E. Sayer, Esq., and Stuart A. Klein, Esq.:	Christopher M. Slowik, Klein Slowik PLLC, New York, NY.

FOR DEFENDANT-APPELLEE Par Plumbing Co., Inc.:	Don R. Sampen, Hillary A. Fraenkel, Clausen Miller, P.C., Florham Park, NJ.
FOR DEFENDANTS-APPELLEES Plumbing Foundation City of New York, Inc., Lawrence Levine, Chairman of the Board of Directors, Licensed Master Plumber of the City of New York, Stewart O'Brien, Executive Director of the Plumbing Foundation, and Terrance O'Brien, Assistant Deputy Director of the Plumbing Foundation	Aislinn S. McGuire, Kauff McGuire & Margolis, LLP, New York, NY.

Appeal from a judgment of the United States District Court for the Southern District of New York (Castel, *J.*).

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

Plaintiff-Appellant Elaine Ward ("Ward"), proceeding *pro se*, appeals the district court's judgment *sua sponte* dismissing her amended complaint, in which she asserted claims under 42 U.S.C. §§ 1983 and 1985, as well as under state law, arising out of the revocation of her master plumber's license and subsequent state court litigation. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.

In reviewing a district court's dismissal of a complaint for lack of subject matter jurisdiction, we review factual findings for clear error and legal conclusions *de novo, see Maloney v. Soc. Sec. Admin.*, 517 F.3d 70, 74 (2d Cir. 2008), and can consider documents attached to the complaint and matters subject to judicial notice, *see Kramer v. Time Warner Inc.*, 937 F.2d 767, 773 (2d Cir. 1991). Although this Court has not yet determined whether a district court's *sua sponte* dismissal of a complaint as frivolous is reviewed *de novo* or for abuse of discretion, we need not make such a determination where the district court's decision "easily passes muster under the more rigorous *de novo* review." *Fitzgerald v. First E. Seventh St. Tenants Corp.*, 221 F.3d 362, 364 n.2 (2d Cir. 2000). This Court affords *pro se* litigants "special solicitude" by interpreting *pro se* complaints "to raise the strongest claims that [they] suggest[]." *Hill v. Curcione*, 657 F.3d 116, 122 (2d Cir. 2011) (internal alterations and quotation marks omitted).

Here, the district court properly dismissed most of Ward's federal claims as untimely. When filed in New York, section 1983 and 1985 claims are subject to a three-year statute of limitations, accruing "when the plaintiff knows or has reason to know of the injury which is the basis of [his or her] action." *Pearl v. City of Long Beach*, 296 F.3d 76, 79-80 (2d Cir. 2002) (internal quotation marks omitted) (Section 1983); *Cornwell v. Robinson*, 23 F.3d 694, 703 (2d Cir. 1994) (Section 1985). Although untimeliness is an affirmative defense, a complaint may be dismissed on this basis if the defense

is plain from the face of the complaint. *See Pino v. Ryan*, 49 F.3d 51, 53-54 (2d Cir. 1995).

With the exception of some of Ward's allegations concerning state court proceedings, all of the events recounted in her complaint occurred and were known to her prior to May 17, 2014, which was three years before she initiated this action. Thus, most of her claims are untimely in the absence of equitable tolling. These untimely claims include all her allegations concerning: discrimination and retaliation in the 1980s and 1990s; the 2011 revocation of Ward's master plumber's license; the alleged misconduct leading to the state court's April 2014 grant of leave to appeal; and her former attorney's April 2014 initiation of a lawsuit against her. Ward's theory of equitable tolling is that Defendants-Appellees allegedly concealed their actions from her and colluded with her former attorney to do so. However, Ward alleged that she knew about the concealment and her attorney's improper relationship with the other Defendants-Appellees by April 2014, which was still more than three years before she filed the original complaint in this case on May 17, 2017. Thus, even if Ward were entitled to tolling on her claims until April 2014, most of her claims would still be untimely. *See Pearl*, 296 F.3d at 79-80; *Cornwell*, 23 F.3d at 703.

Those of Ward's claims that are not time-barred are barred by the *Rooker-Feldman* doctrine. Under that doctrine, federal courts lack subject matter jurisdiction over claims that, in effect, challenge state court judgments. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486-87 (1983); *Rooker*

v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923). A claim brought in federal court is barred under *Rooker-Feldman* when (1) the plaintiff lost in state court; (2) the plaintiff complains of injuries caused by a state court judgment; (3) the plaintiff invites the federal court to review and reject that state court judgment; and (4) the state court judgment was rendered prior to the commencement of proceedings in federal court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005).

The thrust of Ward's complaint regarding the events of May 2014 and thereafter is that Defendants-Appellees, together with state court judges, thwarted her efforts to challenge New York City's appeal and to obtain a traverse hearing, which she contends that she was entitled to based on Defendants-Appellees' earlier wrongdoing. But each element of *Rooker-Feldman* is satisfied here. Ward lost in state court prior to initiating this action. *See Ward v. City of New York*, 23 N.Y.3d 1046 (2014); *Ward v. City of New York*, 138 A.D.3d 629 (1st Dep't 2016). Ward's alleged injuries, relating to the loss of her professional license and denial of requested hearings, are injuries resulting from the state court judgments. And she now seeks reversal of those judgments, including an order reversing the state court decision not to hold a traverse hearing. Although Ward contends that she is alleging injuries flowing from Defendants-Appellees' misconduct before the state court, rather than from the state court judgments themselves, her fraud claims allege actions predating the state court's April 2014 grant of leave to appeal. Her

allegations concerning events thereafter are that state court judges (who are not parties to this action) issued or refused to issue orders knowing that the City was not entitled to appeal. Such claims "require the federal court to review the state proceedings and determine that the . . . [orders were] issued in error" and are thus barred by *Rooker-Feldman*. *Vossbrinck v. Accredited Home Lenders, Inc.*, 773 F.3d 423, 427 (2d Cir. 2014). Accordingly, the district court properly dismissed Ward's amended complaint.[1]

The district court also did not err in declining to grant Ward leave to file a second amended complaint. Denials of leave to amend based on futility are reviewed *de novo*. *Hutchison v. Deutsche Bank Sec. Inc.*, 647 F.3d 479, 490 (2d Cir. 2011). A *pro se* plaintiff should be "grant[ed] leave to amend at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated." *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000) (internal quotation marks omitted). But the district court was not obligated to grant leave to amend a *second* time after Ward's first amended complaint failed to cure the defects that the court identified in its order to amend. *See Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988).

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[1] To the extent that Ward's amended complaint may be construed to also assert state law claims, Ward abandoned these claims by failing to address in her appellate brief the district court's decision not to exercise jurisdiction over them. *See Lo-Sacco v. City of Middletown*, 71 F.3d 88, 92-93 (2d Cir. 1995) (issues not addressed in *pro se* appellate brief are abandoned).

Finally, Ward's claim that the district court was improperly influenced by Defendants-Appellees and was biased against her is meritless and based entirely on her dissatisfaction at the court's adverse rulings. *See Chen v. Chen Qualified Settlement Fund*, 552 F.3d 218, 227 (2d Cir. 2009).[2]

We have considered all of Ward's remaining arguments and find them to be without merit. Accordingly, we AFFIRM the judgment of the district court.

FOR THE COURT:
Catherine O'Hagan Wolfe,
Clerk of Court

[SEAL]

/s/ Catherine O'Hagan Wolfe

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[2] Ward moves to strike the appellees' briefs, oral argument statements, and various certificates of service, to disqualify and sanction counsel, and to amend this Court's docket. These motions are denied as moot.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELAINE WARD,

Plaintiff,

-against-

THE CITY OF NEW YORK; SCOTT STRINGER, NEW YORK CITY COMPTROLLER; BILL DE BLASIO, NEW YORK CITY MAYOR; AISHA NORFLETT, NYC DOB DIRECTOR OF LICENSING UNIT; RICK CHANDLER, NYC DEPARTMENT OF BUILDINGS COMMISSIONER; ROBERT LIMANDRI, FORMER NYC DOB COMMISSIONER; ZACHARY CARTER, CORPORATION COUNSEL; MICHAEL CARDOZO, FORMER CORPORATION COUNSEL; DRAKE COLLEY, NYC LAW DEPARTMENT SR. APPEALS ATTORNEY; LOUISE MOED, NYC LAW DEPARTMENT OF COUNSEL; RICHARD DEARING, NYC LAW DEPARTMENT ATTORNEY; LUIGGY GOMEZ, NYC LAW DEPARTMENT MESSENGER; MOSES WILLIAMS, NYC LAW DEPARTMENT NOTARY; DEBRA HERLICA, NYC BUILDING SPECIAL INVESTIGATIONS DIRECTOR;

17-CV-3710 (PKC)

ORDER OF DISMISSAL

(Filed Sep. 18, 2017)

PATRICIA PENA, NYC BSIU ATTORNEY; THE PLUMBING FOUNDATION OF THE CITY OF NEW YORK, INC.; LAWRENCE LEVINE, CHAIRMAN OF THE BOARD OF DIRECTORS AND LICENSED MASTER PLUMBER OF THE CITY OF NEW YORK; STEWART O'BRIEN, EXECUTIVE DIRECTOR OF THE PLUMBING FOUNDATION; LT. TERRENCE O'BRIEN, ASSISTANT DEPUTY DIRECTOR OF THE PLUMBING FOUNDATION; LAWRENCE LEVINE; PAR PLUMBING, INC. ALSO KNOWN AS THE PAR GROUP; STUART A. KLEIN ESQ.; PETER E. SAYER ESQ., AND THE LAW OFFICES OF STUART A. KLEIN, ESQ.,

Defendants.

CASTEL, United States District Judge:

Plaintiff Elaine Ward brings this *pro se* action, for which the filing fee has been paid, alleging violations of her constitutional rights in connection with the 2012 revocation of her master plumbers license. By order dated June 13, 2017, the Court detailed Plaintiff's allegations against more than twenty defendants, which included New York City, city agencies, present and former city employees and officials, and private individuals, and directed Plaintiff to file an amended complaint

to address deficiencies in her original pleading.[1] Plaintiff filed an amended complaint on August 11, 2017, and the Court his reviewed it. The amended complaint is dismissed for the reasons set forth below.

STANDARD OF REVIEW

The Court has the authority to dismiss a complaint, even when the plaintiff has paid the filing fee, if it determines that the action is frivolous, *Fitzgerald v. First E. Seventh Tenants. Corp.,* 221 F.3d 362, 363-64 (2d Cir. 2000) (*per curiam*) (citing *Pillay v. INS,* 45 F.3d 14, 16-17 (2d Cir. 1995) (*per curiam*) (holding that Court of Appeals has inherent authority to dismiss frivolous appeal)), or that the Court lacks subject matter jurisdiction, *Ruhrgas AG v. Marathon Oil Co.,* 526 U.S. 574, 583 (1999). The Court is obliged, however, to construe *pro se* pleadings liberally, *Harris v. Mills,* 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the "strongest [claims] that they *suggest*," *Triestman v. Fed. Bureau of Prisons,* 470 F.3d 471, 474-75 (2d Cir.

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[1] When Plaintiff filed this action, there was no indication that the Clerk of Court had issued summonses to Plaintiff. In the June 13, 2017 order, the Court directed that no summons should issue. Docket entries dated August 22, 2017, however, show that summonses were in fact issued to Plaintiff when she filed the case. On August 23, 2017, Plaintiff submitted twenty-three affirmations of service. The Court extended Defendants' time to answer until October 20, 2017. (ECF Nos. 12, 38.) In light of this order dismissing the amended complaint, any orders directing Defendants to answer the amended complaint are vacated as moot.

2006) (internal quotation marks and citations omitted) (emphasis in original).

BACKGROUND

A. The Original Complaint

In her 47-page complaint, filed on May 17, 2017, Plaintiff alleged that Defendants conspired to violate her due process rights in connection with the loss of her master plumbers license, discriminated against her on the basis of her gender, and retaliated against her for complaining about that discrimination.

Plaintiff became an apprentice plumber in 1986, and was promoted to journeyman plumber in 1990. Defendant Larry Levine fired Plaintiff from her job at Par Plumbing in retaliation for testifying before the New York City Division of Human Rights about gender discrimination in the plumbing trade. Because Plaintiff continued speaking out about gender bias, she was unable to find work, and she left New York in 1991. Plaintiff returned to New York in 1997, and she became a master plumber in 2001. Plaintiff alleges, and the Court does not doubt, that very few women achieve this goal.

Plaintiff successfully ran her own business until 2010, when the Plumbing Foundation of the City of New York ("Plumbing Foundation"), a non-profit organization involved in setting plumbing industry standards, asked the New York City Department of Buildings ("DOB") to revoke her license. According to

Plaintiff, the Plumbing Foundation sought to eliminate Plaintiff as a competitor for contracts set aside for women-run businesses. In February 2011, the DOB served Plaintiff with a petition containing three charges. One of those charges, lodged at the instigation of the Plumbing Foundation, was that Plaintiff had applied for a plumbing permit for work at a property, knowing that the owner had hired her to supervise his own worker, rather than one under her direct supervision. The DOB offered to settle the matter without revoking Plaintiff's license on the following conditions: that Plaintiff plead guilty, waive her right to future litigation, pay a fine, and submit to a one-year suspension. Plaintiff declined to settle, and she hired an attorney, Stuart Klein, to represent her before the Office of Administrative Trials and Hearings (OATH). At a hearing in July 2011, the OATH administrative law judge determined that Plaintiff's license should be revoked because of the charge lodged by the Plumbing Foundation, and DOB Commissioner LiMandri upheld that decision on September 13, 2011.

In November 2011, Klein filed on Plaintiff's behalf an Article 78 petition in New York County Supreme Court. The matter was transferred to the New York Supreme Court, Appellate Division, First Department, which held that while there was "substantial evidence" that Plaintiff had committed the violation, the revocation of her license for that one infraction was an "excessive penalty." *Ward v. City of New York,* 111 A.D.3d 498 (1st Dep't Nov. 14, 2013). The New York Court of Appeals granted leave to appeal to the City, however,

and then reversed the Appellate Division's order. 23 N.Y.3d 1046 (Aug. 28, 2014). ("We cannot say that "the penalty of [revoking petitioner's master plumbers license] . . . shocks the judicial conscience").

Plaintiff has unsuccessfully challenged the Court of Appeals decision reinstating the revocation of her license. *See Ward v. City of New York,* 138 A.D.3d 629 (1st Dep't Apr. 28, 2016) (the "Supreme Court correctly found that it lacked authority to overturn the order of the Court of Appeals," and "Petitioner's appeal from the order denying her attempt to enforce an order of this Court was rendered moot by the Court of Appeals' reversal of this Court's order"), *lv. denied,* 28 N.Y.3d 1070 (Nov. 22, 2016), *reargument denied,* 28 N.Y.3d 1135 (Jan. 12, 2017). In addition, in 2012, Plaintiff applied for a DOB "filing representative ID," which apparently would have allowed Plaintiff to work in the plumbing industry in some capacity. The DOB denied Plaintiff's application due to "bad moral character." Plaintiff also filed a notice of claim against the City on August 16, 2016, and a "50-H hearing" took place on November 18, 2016. The outcome of that hearing is not clear.

The gist of Plaintiff's original complaint was that Defendants conspired to violate her due process rights because she refused to settle with the DOB, and that she was and continues to be the victim of gender bias. Plaintiff accuses city attorneys of committing fraud and misconduct during the administrative hearings and state court litigation. According to Plaintiff, those attorneys withheld documents and information from her attorney, and failed to inform her attorney that

they were seeking leave from the Court of Appeals. For these reasons, Plaintiff does not accept the validity of the Court of Appeals decision reinstating the revocation of her license. Plaintiff asked for $18 million in damages.

B. The June 17 Order to Amend

In its 11-page order granting Plaintiff leave to amend her complaint, the Court explained why Plaintiff's complaint did not comply with Federal Rule of Civil Procedure 8. The Court assumes familiarity with that order, but in short summary, the Court explained that even accepting Plaintiff's factual allegations as true and drawing all reasonable inferences in her favor, the alleged facts did not make it plausible that Plaintiff was entitled to the relief sought from the named defendants. Specifically, the Court held that: (1) Plaintiff's claims arising directly out of the state court proceedings, and seeking judicial review of state court orders, were precluded by the *Rooker-Feldman* doctrine; (2) many of Plaintiff's constitutional claims were untimely; (3) there were no facts in the complaint supporting Plaintiff's conspiracy claims; (4) Plaintiff failed to assert facts suggesting that the private defendants had acted under color of state law for the purposes of finding liability under 42 U.S.C. § 1983; and (5) Plaintiff had failed to state a municipal liability claim against New York City. In deference to Plaintiff's *pro se* status, the Court granted Plaintiff leave to amend her complaint.

C. The Amended Complaint

In the amended pleading, filed on August 11, 2017, Plaintiff details her allegations and provides additional supporting documentation. Plaintiff alleges that the DOB has a "custom and practice" of discriminatory practices with respect to issuing master plumbers licenses, that she was the first and only female master plumber certified, and that the city does not want to certify women because of the DOB "agenda" (ECF No. 10-1, ¶2-5.) Plaintiff further asserts that the Law Department committed fraud to conceal in deference to the DOB agenda of keeping women out of the plumbing trade. Attached to the amended complaint is a 1993 report outlining discrimination against women and minorities in the building trades, Plaintiff's notice of claim, and email exchanges that she claims show that due to the misconduct of Law Department attorneys, the New York Court of Appeals lacked jurisdiction over her case. (ECF 10-2, 26-29.) Plaintiff asserts that a six-year statute of limitations applies to her fraud claims, and that her challenge to the denial of her requests for a traverse hearing are not time-barred.

DISCUSSION

In deference to Plaintiff's *pro se* status, the Court liberally construes her amended complaint to assert the strongest claims it suggests, and assumes the truth of her assertions. Even through that lens, however, the amended complaint does not remedy the problems plaguing Plaintiff's original pleading.

After the DOB administratively revoked Plaintiff's master plumbers license in 2011, Plaintiff filed an Article 78 proceeding in state court. The Appellate Division determined that revocation was an excessive penalty, *Ward v. City of New York,* 111 A.D.3d 498 (1st Dep't Nov. 14, 2013), but the New York Court of Appeals determined that it was not. 23 N.Y.3d 1046 (Aug. 28, 2014). As explained in its prior order, the *Rooker-Feldman* doctrine precludes this Court from reviewing the state court judgments under just these circumstances. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.,* 544 U.S. 280, 284 (2005) (holding that federal district courts are barred from deciding cases "brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments."). Plaintiff's argument that she is challenging the fraud and misconduct of city attorneys, and not the state court judgments, is unavailing.[2] Moreover, for the same reasons set forth in the prior order, the amended complaint does not show that Defendants conspired against Plaintiff, or that the private defendants acted under color of state law.

If and to the extent that any of her federal claims challenge the circumstances underlying the revocation

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[2] Plaintiff has raised the issue of attorney misconduct in the state courts, *Ward v. City of New York*, 138 A.D.3d 629 (1st Dep't Apr. 28, 2016), *lv. denied*, 28 N.Y.3d 1070 (Nov. 22, 2016), *reargument denied*, 28 N.Y.3d 1135 (Jan. 12, 2017), and in a notice of claim filed with the city.

of her master plumbers license by the DOB in 2011, they are time-barred. The statute of limitations for claims under 42 U.S.C. §§ 1983 and 1985 is found in the "general or residual [state] statute [of limitations] for personal injury actions." *Pearl v. City of Long Beach,* 296 F.3d 76, 79 (2d Cir. 2002) (quoting *Owens v. Okure,* 488 U.S. 235, 249-50 (1989)). In New York, that period is three years. *See* N.Y. C.P.L.R. § 214(5). Plaintiff filed this complaint on May 17, 2017. Any § 1983 and § 1985 claims arising before May 18, 2014, are thus time-barred. Although given an opportunity to do so, Plaintiff did not provide any basis for tolling the limitations period. While plaintiff's litigation battle continues in state court with applications made as recently as February 2017, federal claims that challenge the actions of the DOB in revoking her master plumbers license or actions of any public official prior to May 18, 2014, are time-barred. The Court declines to exercise supplemental jurisdiction over any state law claims.[3]

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[3] To the extent Plaintiff is asserting state-law claims with longer limitations periods, a district court may decline to exercise supplemental jurisdiction over such claims when it "has dismissed all claims over which it has original jurisdiction." 28 U.S.C. § 1367(c)(3). Generally, "when the federal-law claims have dropped out of the lawsuit in its early stages and only state-law claims remain, the federal court should decline the exercise of jurisdiction." *Carnegie-Mellon Univ. v. Cohill,* 484 U.S. 343, 350 n.7 (1988)). Having dismissed the federal claims over which the Court has original jurisdiction, the Court declines to exercise its supplemental jurisdiction over any state-law claims Plaintiff may be asserting. *See Kolari v. New York Presbyterian Hosp.*, 455 F.3d 118, 122 (2d Cir. 2006) ("Subsection (c) of § 1367 'confirms the discretionary nature of supplemental jurisdiction by enumerating the circumstances in which district courts can refuse its

District courts generally grant a *pro se* plaintiff leave to amend a complaint to cure its defects, but leave to amend may be denied if the plaintiff has already been given an opportunity to amend but has failed to cure the complaint's deficiencies. *See Ruotolo v. City of New York,* 514 F.3d 184, 191 (2d Cir. 2008); *Salahuddin v. Cuomo,* 861 F.2d 40, 42 (2d Cir. 1988). For the reasons discussed in this order, it does not appear that the defects in Plaintiff's complaint can be cured with an amendment. Accordingly, the Court declines to grant Plaintiff leave to file a second amended complaint.

CONCLUSION

For the reasons set forth here and in the June 13, 2017 order, the complaint in its entirety is dismissed as to all defendants for failure to state a claim on which relief may be granted. 28 U.S.C. § 1915(c)(2)(B)(ii). The Court denies as moot any pending requests for assistance with subpoenas or with obtaining other discovery. The Clerk of Court is directed to mail a copy of this order to Plaintiff, and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States,* 369 U.S. 438, 444-45 (1962) (holding

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exercise.' ") (quoting *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 173 (1997)).

that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 15, 2017
New York, New York

/s/ P. Kevin Castel
P. KEVIN CASTEL
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELAINE WARD,

Plaintiff,

-against-

THE CITY OF NEW YORK; SCOTT STRINGER, NEW YORK CITY COMPTROLLER; BILL DE BLASIO, NEW YORK CITY MAYOR; AISHA NORFLETT, NYC DOB DIRECTOR OF LICENSING UNIT; RICK CHANDLER, NYC DEPARTMENT OF BUILDINGS COMMISSIONER; ROBERT LIMANDRI, FORMER NYC DOB COMMISSIONER; ZACHARY CARTER, CORPORATION COUNSEL; MICHAEL CARDOZO, FORMER CORPORATION COUNSEL; DRAKE COLLEY, NYC LAW DEPARTMENT SR. APPEALS ATTORNEY; LOUISE MOED, NYC LAW DEPARTMENT OF COUNSEL; RICHARD DEARING, NYC LAW DEPARTMENT ATTORNEY; LUIGGY GOMEZ, NYC LAW DEPARTMENT MESSENGER; MOSES WILLIAMS, NYC LAW DEPARTMENT NOTARY; DEBRA HERLICA, NYC BUILDING SPECIAL INVESTIGATIONS DIRECTOR;

17-CV-3710 (PKC)

ORDER TO AMEND

(Filed Jun. 13, 2017)

PATRICIA PENA, NYC BSIU ATTORNEY; THE PLUMBING FOUNDATION OF THE CITY OF NEW YORK, INC.; LAWRENCE LEVINE, CHAIRMAN OF THE BOARD OF DIRECTORS AND LICENSED MASTER PLUMBER OF THE CITY OF NEW YORK; STEWART O'BRIEN, EXECUTIVE DIRECTOR OF THE PLUMBING FOUNDATION; LT. TERRENCE O'BRIEN, ASSISTANT DEPUTY DIRECTOR OF THE PLUMBING FOUNDATION; LAWRENCE LEVINE; PAR PLUMBING, INC. ALSO KNOWN AS THE PAR GROUP; STUART A. KLEIN ESQ.; PETER E. SAYER ESQ., AND THE LAW OFFICES OF STUART A. KLEIN, ESQ.

Defendants.

P. KEVIN CASTEL, United States District Judge:

Plaintiff Elaine Ward brings this *pro se* action, for which the filing fee has been paid, alleging violations of her constitutional rights in connection with the 2012 revocation of her master plumbers license. For the reasons set forth below, the Court directs Plaintiff to file an amended complaint within sixty days of the date of this order.

STANDARD OF REVIEW

The Court has the authority to dismiss a complaint, even when the plaintiff has paid the filing fee, if it determines that the action is frivolous, *Fitzgerald v. First E. Seventh Tenants Corp.*, 221 F.3d 362, 363-64 (2d Cir. 2000) (*per curiam*) (citing *Pillay v. INS*, 45 F.3d 14, 16-17 (2d Cir. 1995) (*per curiam*) (holding that Court of Appeals has inherent authority to dismiss frivolous appeal)), or that the Court lacks subject matter jurisdiction, *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999). The Court is obliged, however, to construe *pro se* pleadings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the "strongest [claims] that they *suggest*," *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474-75 (2d Cir. 2006) (internal quotation marks and citations omitted) (emphasis in original).

BACKGROUND

Plaintiff alleges that Defendants conspired to violate her due process rights, discriminated against her on the basis of her gender, and retaliated against her for complaining about that discrimination. Named as Defendants are the City of New York, Comptroller Scott Stringer, Mayor Bill de Blasio, Department of Buildings (DOB) Director of Licensing Unit Aisha Norflett, DOB Commissioner Rick Chandler, former DOB Commissioner Robert LiMandri, DOB Special Investigations Director Debra Herlica, DOB Special Investigations attorney Patricia Pena, the Plumbing

Foundation of the City of New York, Inc., Lawrence Levine, Stewart O'Brien, Lt. Terrence O'Brien, Par Plumbing, Inc., Corporation Counsel Zachary Carter, former Corporation Counsel Michael Cardozo, Law Department attorneys Drake Colley, Louise Moed, and Richard Dearing, Law Department messenger Luiggy Gomez, NYC Law Department Notary Moses Williams, Stuart A. Klein Esq., and Peter E. Sayer Esq.

The 47-page complaint contains the following facts. Plaintiff was an apprentice plumber from 1986 until 1990, and during that time she worked for Larry Levine at Par Plumbing. In 1990, Plaintiff was promoted to journeyman plumber. That same year, Levine fired Plaintiff in retaliation for her testifying before the New York City Division of Human Rights about gender discrimination in the plumbing trade. Plaintiff left New York for a number of years because the industry had "blackballed" her for her outspokenness about gender issues. Plaintiff returned to New York in 1997, and in 2001, she was issued a master plumbers license, one of "very few females" to achieve that goal. (Compl. ¶ 38-39.) Plaintiff ran her own business for the next ten years without incident. In 2010, the Plumbing Foundation of the City of New York (Plumbing Foundation), a non-profit organization that sets plumbing industry standards, asked the DOB to revoke Plaintiff's license so that Plaintiff would be eliminate[ed] as a "possible future competitor for public work requiring participation by women licensed plumbers." (Compl. ¶ 43.) In February 2011, the DOB served Plaintiff with a petition containing three charges. One of those

charges was that Plaintiff had applied for a plumbing permit for work at a property, knowing that the owner had hired her to supervise his own worker, rather than one under her direct supervision. According to Plaintiff, the Plumbing Foundation played a role in bringing that charge to the DOB's attention.

The DOB offered to settle the matter without revoking Plaintiff's license on the following conditions: that Plaintiff plead guilty, waive her right to future litigation, pay a $7,500 fine, and submit to a one-year suspension. Plaintiff declined to settle, and she hired an attorney, Stuart Klein, to represent her before the Office of Administrative Trials and Hearings (OATH). At a hearing in July 2011, the City immediately dropped two charges, but the OATH administrative law judge determined that Plaintiff's license should be revoked in connection with the allegation purportedly raised by the Plumbing Foundation. DOB Commissioner LiMandri upheld that decision on September 13, 2011.

In November 2011, Klein filed on Plaintiff's behalf an Article 78 petition in New York County Supreme Court. The matter was transferred to the New York Supreme Court, Appellate Division, First Department, which held that while there was "substantial evidence" that Plaintiff had committed the violation, the revocation of her license for that one infraction was an "excessive penalty." *Ward v. City of New York*, 111 A.D.3d 498 (1st Dep't Nov. 14, 2013). The New York Court of Appeals granted leave to appeal to the City, however, and reversed. 23 N.Y.3d 1046 (Aug. 28, 2014). ("We

cannot say that "the penalty of [revoking petitioner's master plumbers license] . . . shocks the judicial conscience").

Since then, Plaintiff has made several attempts to challenge the Court of Appeals decision reinstating the revocation of her license. *See Ward v. City of New York*, 138 A.D.3d 629 (1st Dept. Apr. 28, 2016) ("Petitioner's appeal from the order denying her attempt to enforce an order of this Court was rendered moot by the Court of Appeals' reversal of this Court's order"), *lv. denied*, 28 N.Y.3d 1070 (Nov. 22, 2016), *reargument denied*, 28 N.Y.3d 1135 (Jan. 12, 2017). In addition, in 2012, Plaintiff applied to the DOB for a "filing representative ID," which presumably would have allowed her to work in the plumbing industry in some capacity. Norflett denied Plaintiff's application due to "bad moral character." Plaintiff also filed a notice of claim against the City on August 16, 2016, and a "50-H hearing" took place on November 18, 2016. The complaint does not indicate the outcome of that hearing.

The gist of Plaintiff's complaint is that Defendants conspired to violate her due process rights because she refused to settle with the DOB. Plaintiff claims that the city attorneys named as defendants withheld documents, failed to communicate with her attorney, and committed other misconduct and fraud during the state court litigation, and for this reason she does not accept the validity of the Court of Appeals decision. Plaintiff further alleges that her attorney, Klein, tried to coerce her into paying him more money to represent her in the Article 78 proceeding, and that

when she refused, he failed to perfect her appeal with the Appellate Division. Plaintiff had to retain another attorney, who successfully moved to extend her time to appeal and represented her in that matter. Plaintiff accuses Klein of "abuse of process" and with colluding with her adversaries. Plaintiff seeks $18 million in damages.

DISCUSSION

A. Rule 8 and Section 1983

Rule 8 of the Federal Rules of Civil Procedure requires a complaint to make a short and plain statement showing that the pleader is entitled to relief. A complaint states a claim for relief if the claim is plausible. *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). To review a complaint for plausibility, the Court accepts all well-pleaded factual allegations as true and draws all reasonable inferences in the pleader's favor. *Iqbal*, 556 U.S. at 678-79 (citing *Twombly*, 550 U.S. at 555). But the Court need not accept "[t]hreadbare recitals of the elements of a cause of action," which are essentially legal conclusions. *Id.* at 678 (citing *Twombly*, 550 U.S. at 555). After separating legal conclusions from well-pleaded factual allegations, the court must determine whether those facts make it plausible – not merely possible – that the pleader is entitled to relief. *Id.*

To state a claim under 42 U.S.C. § 1983, a plaintiff must allege both that: (1) a right secured by the

Constitution or laws of the United States was violated, and (2) the right was violated by a person acting under the color of state law, or a "state actor." *West v. Atkins*, 487 U.S. 42, 48-49 (1988). For the following reasons, Plaintiff's complaint fails to comply with federal pleading rules, and thus her pleading fails to state a claim on which relief may be granted.

B. Challenge to State Court Judgments

To the extent that Plaintiff is challenging state-court decisions, the *Rocker-Feldman* doctrine bars any such claims. The doctrine – created by two Supreme Court cases, *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923), and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482-86 (1983) – precludes federal district courts from reviewing final judgments of the state courts. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005) (holding that federal district courts are barred from deciding cases "brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.").

The *Rocker-Feldman* doctrine applies where the federal-court plaintiff: (1) lost in state court, (2) complains of injuries caused by the state-court judgment, (3) invites the district court to review and reject the state court judgment, and (4) commenced the district court proceedings after the state-court judgment was

rendered. *Vossbrinck v. Accredited Home Lenders, Inc.*, 773 F.3d 423, 426 (2d Cir. 2014).

Plaintiff's claims arising directly from the state-court proceedings are precluded by *Rocker-Feldman.* Although the Appellate Division, First Department, held that the revocation of Plaintiff's master plumbers license was an excessive penalty, the New York Court. of Appeals reversed that decision. Plaintiff brought this action seeking reversal of the decision of the Court of Appeals. In so doing, she essentially asks this Court to review and reject the decision of the New York State Court of Appeals reinstating the revocation. Finally, Plaintiff alleges that the state-court judgment was rendered before she commenced this federal action.

Federal district courts do not provide a forum for reviewing errors in state court proceedings. *See, e.g.*, *Exxon*, 544 U.S. at 284. Plaintiff's remedy, which she pursued, was to seek reconsideration in the New York Court of Appeals. This Court cannot review any of the state court orders, and any allegations against defendants based on their compliance with the Court of Appeals decision fail to state a claim on which relief can be granted.

C. Conspiracy

The Court also dismisses Plaintiff's claims that Defendants conspired against her. To state a conspiracy claim under 42 U.S.C. § 1983, a plaintiff must allege (1) an agreement between two or more government actors or between a government actor and another entity;

(2) to act in concert to inflict an unconstitutional injury; and (3) an overt act done in furtherance of that goal causing damages. *See Ciambriello v. Cnty. of Nassau*, 292 F.3d 307, 324-25 (2d Cir. 2002); *see also Deskovic v. City of Peekskill*, 894 F. Supp. 2d 443, 465 (S.D.N.Y. 2012). Allegations of conspiracy are deemed "baseless" where a plaintiff "offers not a single fact to corroborate her allegation of a 'meeting of the minds' among the coconspirators." *Gallop v. Cheny*, 642 F.3d 364, 369 (2d Cir. 2011); *Ciambriello*, 292 F.3d at 325 ("[C]omplaints containing only conclusory, vague, or general allegations that defendants have engaged in a conspiracy to deprive the plaintiff of his constitutional rights are properly dismissed.") (internal quotation marks omitted).

To state a conspiracy claim under 42 U.S.C. § 1985, a plaintiff must allege facts that plausibly show that there exists: (1) a conspiracy (2) for the purpose of depriving the plaintiff of the equal protection of the laws, or the equal privileges or immunities under the laws; (3) an overt act in furtherance of the conspiracy; and (4) an injury to his person or property, or a deprivation of his right or privilege as a citizen of the United States. *Thomas v. Roach*, 165 F.3d 137, 146 (2d Cir. 1999). "[T]he [§ 1985(3)] conspiracy must also be motivated by some racial or perhaps otherwise class-based, invidious discriminatory animus behind the conspirators' action." *Id.* (internal quotation marks and citation omitted).

Plaintiff does not allege any facts suggesting that Defendants colluded to violate her constitutional or

statutory rights. The Court therefore dismisses any claims of conspiracy Plaintiff seeks to bring under § 1983 or § 1985(3).

D. Private Actors

Plaintiff names as defendants a number of private individuals. A claim for relief under § 1983 must allege facts showing that each defendant acted under the color of a state "statute, ordinance, regulation, custom or usage." 42 U.S.C. § 1983. Private individuals do not qualify as state actors, and an attorney's legal representation does not constitute the degree of state involvement or interference necessary to state action for purposes of § 1983. *See Bourdon v. Laughren*, 386 F.3d 88, 90 (2d Cir. 2004) (citing *Polk Cnty. v. Dodson*, 454 U.S. 312, 324-25 (1981)); *see also Schnabel v. Abramson*, 232 F.3d 83, 87 (2d Cir. 2000). As previously discussed, the Court finds that Plaintiff has failed to state a conspiracy claim. Because the private parties named as defendants do not qualify as state actors, Plaintiff therefore fails to state § 1983 claims against them.

E. Claims Against the City of New York

When a plaintiff sues a municipality under § 1983, it is not enough for the plaintiff to allege that one of the municipality's employees or agents engaged in some wrongdoing. The plaintiff must show that the municipality itself caused the violation of the plaintiff's rights. *See Connick v. Thompson*, 131 S. Ct. 1350, 1359 (2011) ("A municipality or other local government

may be liable under this section [1983] if the governmental body itself 'subjects' a person to a deprivation of rights or 'causes' a person 'to be subjected' to such deprivation.") (quoting *Monell v. Dep of Soc. Servs. of City of New York*, 436 U.S. 658, 692 (1978)); *Cash v. Cnty. of Erie*, 654 F.3d 324, 333 (2d Cir. 2011). In other words, to state a § 1983 claim against a municipality, the plaintiff must allege facts showing (1) the existence of a municipal policy, custom, or practice, and (2) that the policy, custom, or practice caused the violation of the plaintiff's constitutional rights. *See Jones v. Town of East Haven*, 691 F.3d 72, 80 (2d Cir. 2012); *Bd. of Cnty. Comm'rs of Bryan Cnty. v. Brown*, 520 U.S. 397, 403 (1997) (internal citations omitted).

Plaintiff sues the City of New York, but she fails to allege that any of her injuries were the result of a municipal policy, custom, or practice.

F. Timeliness of § 1983 Claims

The statute of limitations for claims under § 1983 and § 1985 is found in the "general or residual [state] statute [of limitations] for personal injury actions." *Pearl v. City of Long Beach*, 296 F.3d 76, 79 (2d Cir. 2002) (quoting *Owens v. Okure*, 488 U.S. 235, 249-50 (1989)). In New York, that period is three years. *See* N.Y. C.P.L.R. § 214(5). Such claims generally accrue when a plaintiff knows or has reason to know of the injury that is the basis of the claim. *Hogan v. Fischer*, 738 F.3d 509, 518 (2d Cir. 2013).

Plaintiff filed this complaint on May 17, 2017, and any claims that arose more than three years before the filing date generally are time-barred. Plaintiff's claims arising before May 18, 2014, are thus time-barred unless there is some basis for tolling the limitations period.

The doctrine of equitable tolling permits a court, "under compelling circumstances, [to] make narrow exceptions to the statute of limitations in order 'to prevent inequity.'" *In re U.S. Lines, Inc.*, 318 F.3d 432, 436 (2d Cir. 2003) (citation omitted). The statute of limitations may be equitably tolled when a defendant fraudulently conceals from a plaintiff the fact that the plaintiff has a cause of action, or when the plaintiff is induced by the defendant to forego a lawsuit until the statute of limitations has expired. *See Pearl*, 296 F.3d at 82-83. New York also provides by statute for other circumstances in which a limitations period may be tolled. *See, e.g.*, C.P.L.R. § 204(a) (where commencement of an action has been stayed by court order), *id.* at § 204 (where a dispute has been submitted to arbitration but is ultimately determined to be non-arbitrable), *id.* at § 207(3) (defendant is outside New York at the time the claim accrues), *id*, at § 208 (plaintiff is disabled by infancy or insanity), *id.* at § 210 (death of plaintiff or defendant).

To the extent Plaintiff asserts any claims not barred by *Rocker-Feldman*, he does not provide any facts suggesting that the statute of limitations should be equitably tolled in this case. Because the failure to file an action within the limitations period is an

affirmative defense, a plaintiff is generally not required to plead that the case is timely filed. *Cortes v. City of New York*, 700 F. Supp. 2d 474, 482 (S.D.N.Y. 2010). Dismissal is appropriate, however, where the existence of an affirmative defense, such as the statute of limitations, is plain from the face of the pleading. *See Pino v. Ryan*, 49 F.3d 51, 53 (2d Cir. 1995) (affirming *sua sponte* dismissal under 28 U.S.C. § 1915(d) on statute of limitations grounds); *Baker v. Cuomo*, 58 F.3d 814, 818-19 (2d Cir. 1995) (*sua sponte* dismissal is "appropriate if it appears from the face of the complaint that the action is barred . . . by the statute of limitations"), *vacated in part on other grounds*, 85 F.3d 919 (2d Cir. 1996). If Plaintiff wishes to pursue the claims that appear to be time-barred, her amended complaint must allege facts showing that the applicable limitations period should be equitably tolled.

G. Leave to Amend

District courts generally grant a *pro se* plaintiff leave to amend a complaint to cure its defects, but leave to amend may be denied if the plaintiff has already been given an opportunity to amend but has failed to cure the complaint's deficiencies. *See Ruotolo v. City of New York*, 514 F.3d 184, 191 (2d Cir. 2008); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). For the reasons discussed in this order, it does not appear that the defects in Plaintiff's complaint can be cured with an amendment. In an abundance of caution, however, the Court grants Plaintiff an opportunity to amend her complaint.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, and note service on the docket. Plaintiff is granted leave to file an amended complaint that complies with the standards set forth above. Plaintiff must submit the amended complaint to this Court's Pro Se Intake Unit within sixty days of the date of this order, caption the document as an "Amended Complaint," and label the document with docket number 17-CV-3710 (PKC). An Amended Complaint form is attached to this order. No summons will issue at this time. If Plaintiff fails to comply within the time allowed and cannot show good cause to excuse such failure, the complaint will be dismissed for failure to state a claim upon which relief may be granted. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *informer pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: 6-13-17
New York, New York

/s/ P. Kevin Castel
P. KEVIN CASTEL
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 23rd day of July, two thousand nineteen.

Elaine Ward,

Plaintiff - Appellant,

v.

City of New York, et al.,

Defendant - Appellees.

ORDER

Docket No: 17-2973

Appellant, Elaine Ward, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the required for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:
Catherine O'Hagan Wolfe,
Clerk

[SEAL]

/s/ Catherine O'Hagan Wolfe

SUPREME COURT – STATE OF NEW YORK
NEW YORK COUNTY CLERK
CIVIL INDEX MINUTE BOOK INQUIRY

CCOAMINI
DATE: 03/29/2017
INDEX NO: 100341 2012
TIME: 12:16:09
PURCHASE: 01112012

PLAINTIFF NAME:
WARD ELAINE
ATTORNEY:
KLEIN SLOWIK PLLC
90 BROAD ST, SUITE
NEW YORK, NY
212 564-7560

DEFENDANT NAME:
CITY OF NY
ATTORNEY:
UNKNOWN

SEQ	DATE	MINUTES
0001	01112012	VERIFIED PETITION
0001	03052012	ORDER IAS PART 58 SEQ 01 TRANSFERRED TO APPELLATE DIVISION, FIRST DEPARTMENT
0002	03052012	NOTICE OF ENTRY
0001	03282012	AFFIDAVIT OF SERVICE
0002	03282012	SUBPEONA [sic] # 74
0001	11212013	REMITTITUR
0001	04172014	NOTICE OF APPEARANCE

12/12/2014	AFFIDAVIT reply
12/12/2014	AFFIRMATION amended opposition
12/12/2014	AFFIRMATION opposition
12/12/2014	AFFIDAVIT OF SERVICE
12/12/2014	ORDER SIGNED IAS PART 58 SEQ 04 MOTION IS DENIED.
12/8/2014	AFFTS,NOTICE OF MOTION FEE PAID
11/21/2014	NOTICE OF APPEAL, COPY FORWARDED TO
11/17/2014	ORDER TO SHOW CAUSE FEE PAID
11/12/2014	ORDER SIGNED
11/12/2014	AFFTS,NOTICE OF MOTION FEE PAID
11/3/2014	COPY OF ORDER W/NOTICE OF ENTRY WITH AFFT OF SVC
10/24/2014	LETTER. SEQ 04
10/24/2014	NOTICE OF APPEARANCE
10/24/2014	AFFIR. SEQ 004
10/24/2014	ORDER SHOW CAUSE. SEQ 03
10/24/2014	DECISION AND ORDER SEQ IAS PT 58 SEQ 003 APPLICATION IS DENIED AS MOOT
9/30/2014	OTHER PAPERS Corrected Remittitur
9/19/2014	PAPER FILED REMITTITUR FROM COURT OF APPEALS

Legend: Records Room Scanned

New York County Clerk's Office
WARD ELAINE vs. NYC DEPT OF BUILDINGS
1/1/2012 Supreme Court General Index Reg. (General)
33 Actions

3/23/2017	COPY OF LETTER DATED 2/14/2017 WITH EXHIBITS
4/29/2016	ORDER SIGNED REMITTITUR #266 AFFIRMED AFTER ARGUMENT/ SUBMISSION (BOX 82 REC. RM)
6/24/2015	Receipt from Appellate Division, 1st Department
5/19/2015	Appellate Division Receipt
5/4/2015	NOTICE OF APPEAL, COPY FORWARDED TO
4/29/2015	Receipt from the Appellate Division
4/29/2015	COPY OF ORDER WITH NOTICE OF ENTRY
4/20/2015	REPLY AFFIDAVIT TO RESPONDENTS' AFFIRMATION IN OPPOSITION TO MOTION . . . , SEQ 006
4/20/2015	AFFTS,NOTICE OF MOTION FOR A TRAVERSE HEARING, SEQ 006
4/20/2015	AFFIRMATION IN OPPOSITION TO MOTION FOR TRAVERSE HEARING, SEQ 006
4/20/2015	RECEIVED PAPERS SEQ 006
4/20/2015	DECISION AND ORDER SEQ 006 PT 58 MOTION IS DECIDED IN ACCORD.WITH THE ATTACH MEMO
3/4/2015	NOTICE OF APPEAL, COPY FORWARDED TO
1/15/2015	ORDER W N ENTRY
12/12/2014	AFFTS,NOTICE OF MOTION