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Exhibit 3

KEVIN ORECKINTO
139 FOREST ROAD
STATEN ISLAND, NEW YORK 10304
347-680-7769
demoman67@aol.com

July 29, 2020

Arlando Johnson
794 Richmond Terrace, 3rd Floor
Staten Island, New York 10301

Re: Eviction Proceedings

Dear Mr. Johnson:

This letter is to inform you that you currently owe back rent in the amount of \$5,166.00. The breakdown is as follows:

\$1,226.00	Bal May 2020
\$1,900.00	June 2020
\$ 70.00	Late fee June 2020
\$1,900.00	July 2020
\$ 70.00	Late fee July 2020
\$5,166.00	

1,900.00

*\$7066
August 2020*

If I do not receive the above referenced amount in fifteen (15) days I will start eviction proceedings. Also be advised that this is a demand for immediate payment of all monies due. Your lease has expired and you are currently living month to month.

Thank you for your prompt attention to this matter.

Respectfully,

K. Oreckinto
Kevin Oreckinto

Add August rent \$1900

Total due \$ 7,066

A-1



Affirmation in Reply

Index Number: LT-300327-21/RI

Court: Civil Court of the City of New York County: Richmond

**TENANT'S DECLARATION OF HARDSHIP
DURING THE COVID-19 PANDEMIC**

I am a tenant, lawful occupant, or other person responsible for paying rent, use and occupancy, or any other financial obligation under a lease or tenancy agreement at (address of dwelling unit):

794 Richmond Terrace apt 2 Staten Island NY
10301

YOU MUST INDICATE BELOW YOUR QUALIFICATION FOR EVICTION PROTECTION BY SELECTING OPTION "A" OR "B", OR BOTH.

- ☒ A. I am experiencing financial hardship, and I am unable to pay my rent or other financial obligations under the lease in full or obtain alternative suitable permanent housing because of one or more of the following:
1. Significant loss of household income during the COVID-19 pandemic.
 2. Increase in necessary out-of-pocket expenses related to performing essential work or related to health impacts during the COVID-19 pandemic.
 3. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member during the COVID-19 pandemic have negatively affected my ability or the ability of someone in my household to obtain meaningful employment or earn income or increased my necessary out-of-pocket expenses.
 4. Moving expenses and difficulty I have securing alternative housing make it a hardship for me to relocate to another residence during the COVID-19 pandemic.

5. Other circumstances related to the COVID-19 pandemic have negatively affected my ability to obtain meaningful employment or earn income or have significantly reduced my household income or significantly increased my expenses.

To the extent that I have lost household income or had increased expenses, any public assistance, including unemployment insurance, pandemic unemployment assistance, disability insurance, or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of household income or increased expenses.

- ☒ B. Vacating the premises and moving into new permanent housing would pose a significant health risk because I or one or more members of my household have an increased risk for severe illness or death from COVID-19 due to being over the age of sixty-five, having a disability or having an underlying medical condition, which may include but is not limited to being immunocompromised.

I understand that I must comply with all other lawful terms under my tenancy, lease agreement or similar contract. I further understand that lawful fees, penalties or interest for not having paid rent in full or met other financial obligations as required by my tenancy, lease agreement or similar contract may still be charged or collected and may result in a monetary judgment against me. I further understand that my landlord may be able to seek eviction after August 31, 2021, and that the law may provide certain protections at that time that are separate from those available through this declaration.

Signed: Linda A. Kpaka with Reservation

Printed name: Linda A. Kpaka WA

Date signed: June 11, 2021

NOTICE: You are signing and submitting this form under penalty of law. That means it is against the law to make a statement on this form that you know is false.

Please see Tenant's Notice and
Affirmation to this Document.

often have underlying conditions that increase their risk of severe outcomes of COVID-19.³² Among patients with COVID-19, homelessness has been associated with increased likelihood of hospitalization.³³

These public health risks may increase seasonally. Each year, as winter approaches and the temperature drops, many homeless move into shelters to escape the cold and the occupancy of shelters increases.³⁴ At the same time, there is evidence to suggest that the homeless are more susceptible to respiratory tract infections,³⁵ which may include seasonal influenza. While there are differences in the epidemiology of COVID-19 and seasonal influenza, the potential co-circulation of viruses during periods of increased occupancy in shelters could increase the risk to occupants in those shelters.

In short, evictions threaten to increase the spread of COVID-19 as they force people to move, often into close quarters in new shared housing settings with friends or family, or congregate settings such as homeless shelters. The ability of these settings to adhere to best practices, such as social distancing and other infection control measures, decreases as populations increase. Unsheltered homelessness also increases the risk that individuals will experience severe illness from COVID-19.

Findings and Action

Therefore, I have determined the temporary halt in evictions in this Order constitutes a reasonably necessary measure under 42 CFR 70.2 to prevent the further spread of COVID-19 throughout the United States. I have further determined that measures by states, localities, or U.S. territories that

do not meet or exceed these minimum protections are insufficient to prevent the interstate spread of COVID-19.³⁶

Based on the convergence of COVID-19, seasonal influenza, and the increased risk of individuals sheltering in close quarters in congregate settings such as homeless shelters, which may be unable to provide adequate social distancing as populations increase, all of which may be exacerbated as fall and winter approach, I have determined that a temporary halt on evictions through December 31, 2020, subject to further extension, modification, or rescission, is appropriate.

Therefore, under 42 CFR 70.2, subject to the limitations under the "Applicability" section, a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action shall not evict any covered person from any residential property in any State or U.S. territory in which there are documented cases of COVID-19 that provides a level of public-health protections below the requirements listed in this Order.

This Order is not a rule within the meaning of the Administrative Procedure Act ("APA") but rather an emergency action taken under the existing authority of 42 CFR 70.2. In the event that this Order qualifies as a rule under the APA, notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and comment and the opportunity to comment on this Order and the delay in effective date. See 5 U.S.C. 553(b)(3)(B). Considering the public-health emergency caused by COVID-19, it would be impracticable and contrary to the public health, and by extension the public interest, to delay the issuance and effective date of this Order.

A delay in the effective date of the Order would permit the occurrence of evictions—potentially on a mass scale—that could have potentially significant consequences. As discussed above, one potential consequence would be that evicted individuals would move into close quarters in congregate or shared living settings, including homeless shelters, which would put the individuals at higher risk to COVID-19. Another potential consequence would be if evicted individuals become

homeless and unsheltered, and further contribute to the spread of COVID-19. A delay in the effective date of the Order that leads to such consequences would defeat the purpose of the Order and endanger the public health. Immediate action is necessary.

Similarly, if this Order qualifies as a rule under the APA, the Office of Information and Regulatory Affairs has determined that it would be a major rule under the Congressional Review Act (CRA). But there would not be a delay in its effective date. The agency has determined that for the same reasons, there would be good cause under the CRA to make the requirements herein effective immediately.

If any provision of this Order, or the application of any provision to any persons, entities, or circumstances, shall be held invalid, the remainder of the provisions, or the application of such provisions to any persons, entities, or circumstances other than those to which it is held invalid, shall remain valid and in effect.

This Order shall be enforced by Federal authorities and cooperating State and local authorities through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 271; and 42 CFR 70.18. However, this Order has no effect on the contractual obligations of renters to pay rent and shall not preclude charging or collecting fees, penalties, or interest as a result of the failure to pay rent or other housing payment on a timely basis, under the terms of any applicable contract.

Criminal Penalties

Under 18 U.S.C. 3559, 3571; 42 U.S.C. 271; and 42 CFR 70.18, a person violating this Order may be subject to a fine of no more than \$100,000 if the violation does not result in a death or one year in jail, or both, or a fine of no more than \$250,000 if the violation results in a death or one year in jail, or both, or as otherwise provided by law. An organization violating this Order may be subject to a fine of no more than \$200,000 per event if the violation does not result in a death or \$500,000 per event if the violation results in a death or as otherwise provided by law. The U.S. Department of Justice may initiate court proceedings as appropriate seeking imposition of these criminal penalties.

Notice to Cooperating State and Local Officials

Under 42 U.S.C. 243, the U.S. Department of Health and Human Services is authorized to cooperate with and aid State and local authorities in the enforcement of their quarantine and

³² *Jens: A systematic review. Social Science and Medicine*. 175 (2017) 199e208.

³³ Fazel S, Godees JR, Kushel M. *The health of homeless people in high-income countries: descriptive epidemiology, health consequences, and clinical and policy recommendations*. *Lancet*. 2014;384(9953):1529–1540.

³⁴ Hsu HE, et al. *Race/Ethnicity, Underlying Medical Conditions, Homelessness, and Hospitalization Status of Adult Patients with COVID-19 at an Urban Safety-Net Medical Center—Boston, Massachusetts, 2020*. *MMWR* 2020 Jul 10;69(27):864–869. Historically, African Americans and Hispanic Americans are disproportionately represented in evictions compared to other races. They are more likely to experience severe outcomes of COVID-19. *Id.*

³⁵ See, generally, the Annual Homeless Assessment Report to Congress (2007), available at: <https://www.huduser.gov/publications/pdf/ahar.pdf> (acknowledging the seasonality of shelter bed use).

³⁶ Ly TDA, Edouard S, Badiaga S, et al. *Epidemiology of respiratory pathogen carriage in the homeless population within two shelters in Marseille, France, 2015–2017: Cross sectional 1-day surveys*. *Clin Microbiol Infect*. 2019; 25(2):249.e1–249.e6.

³⁶ In the United States, public health measures are implemented at all levels of government, including the Federal, State, local, and tribal levels. Publicly-available compilations of pending measures indicate that eviction moratoria and other protections from eviction have expired or are set to expire in many jurisdictions. Eviction Lab, *COVID-19 Housing Policy Scorecard*, available at: <https://evictionlab.org/covid-policy-scorecard/>.

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12/22/2023 12:24:23 PM
 12/22/2023 12:24:23 PM

Working for you 24/7

conEdison

ARLANDO JOHNSON

Your account number: 70-2140-6223-0007-2

Service delivered to: 794 RICHMOND TERR 3FL

Your electric rate: E1 - Residential or Business

Next billing date: Thursday, July 30, 2020

FINAL TURN-OFF NOTICE

Message Center

As of July 30, 2020, your service will be terminated. Please contact your account manager or call 1-800-455-6223 for more information.

THIS IS A FINAL TURN-OFF NOTICE

PLEASE READ THIS NOTICE TO YOUR ATTENTION. YOUR SERVICE WILL BE TERMINATED ON JULY 30, 2020. IF YOU HAVE ANY QUESTIONS, PLEASE CALL 1-800-455-6223.

Your billing summary as of July 1, 2020

Item	Amount
Your previous charges and payments	\$1,214.87
Total charges from your last bill	\$1,214.87
Payments through July 29	\$1,214.87
Remaining balance	\$0.00
Your new charges - which start on page 2	\$271.00
Electricity charges - for 20 days	\$271.00
Total new charges	\$271.00
Total amount due	\$1,485.77

Handwritten: *HTPS://Notify, MyCourts*
900West/00-0300
Exhibit 2

conEdison

ARLANDO JOHNSON

Account Number: 70-2140-6223-0007-2

Your bill breakdown

Last billing period

Your billing summary as of July 1, 2020

Your previous charges and payments

Total charges from your last bill

Payments through July 29

Remaining balance

Your new charges

Electricity charges - for 20 days

Total new charges

Total amount due

\$10,586.41

Current balance due

\$10,586.41

Pay By

11/22/22

Service delivered to: 794 RICHMOND TERR 3FL

Messages For You

Do you have an emergency insurance policy? If so, please contact your insurance company to report the loss. If you do not have an emergency insurance policy, please contact your insurance company to report the loss.

You have an overdue balance. Set up a payment plan with us to begin paying your past due balance to ensure that your service is not terminated.

conEdison PO Box 1702 New York, NY 10116-1702

Your Energy Bill

ARLANDO JOHNSON
 794 RICHMOND TERR 3FL
 RICHMOND, NY 10211-1027

Account number: 70-2140-6223-0007-2

Pay By

11/22/22

\$10,586.41

Amount Due

\$10,586.41

A-5

THE CITY OF NEW YORK

VITAL RECORDS CERTIFICATE

DEATH TRANSCRIPT FEMA Disaster No. 4480
Registration ID: 41-3715623

DATE FILED THE CITY OF NEW YORK - DEPARTMENT OF HEALTH AND MENTAL HYGIENE

JAN-03-2022 04:37 PM

CERTIFICATE OF DEATH

Certificate No. 156-22-000209

1. DECEDENT'S LEGAL NAME **MAHAMUD S KPAKA II**
(First, Middle, Last, Suffix)

22. New York City 23. Borough 24. Death	25. Type of Place 1 ☐ Hospital Inpatient 2 ☐ Emergency Dept./Outpatient 3 ☐ Dead on Arrival	4 ☐ Nursing Home/Long Term Care Facility 5 ☐ Hospice Facility 6 ☐ Decedent's Residence 7 ☐ Other Specify	26. Any Hospice care in last 30 days 1 ☐ Yes 2 ☐ No 3 ☐ Unknown	27. Name of hospital or other facility (if not facility, street address) 794 Richmond Ter Apt 3, Staten Island, NY 10301-1187
Date and Time of Death or Found Dead 28. (Month) January 29. (Day) 01 30. (Year) 2022 31. Time 12:18 32. AM PM 33. Sex Male		5. OCME Case No. R22000053		
6. CAUSE OF DEATH PART I a. Immediate cause Pending Further Study b. Due to or as a consequence of c. Due to or as a consequence of PART II Other significant conditions contributing to death but not resulting in the underlying cause given in Part I. Include operation information.				
7a. Injury Date (mm dd yyyy) 7b. Time 7c. At Work 7d. Place of Injury - All home, factory, street, etc. 1 ☐ AM 2 ☐ PM 1 ☐ Yes 2 ☐ No 7e. Location		7f. How Injury Occurred		
7g. If Transportation Injury Specify 1 ☐ Driver/Operator 2 ☐ Pedestrian 3 ☐ Passenger 4 ☐ Other Specify		8. Manner of Death a. Pending further study b. Natural 1 ☐ Homicide 2 ☐ Accident 3 ☐ Suicide 4 ☐ Undetermined 9. Autopsy 1 ☐ Yes 2 ☐ No 3 ☐ No Autopsy Pursuant to Law 4 ☐ No Autopsy		
10. On the basis of examination and/or investigation, in my opinion, death occurred due to the causes and circumstances stated: Certifier Signature <i>Jelena Krcedinac</i> D.O. Date JAN-3-2022 Certifier Name (Print) JELENA KRCE DINAC Medical Examiner (Medical Investigator) (Deputy Chief) (Chief) (Medical Examiner)				
11a. Usual Residence State New York	11b. County Richmond	11c. City or Town Staten Island	11d. Street and Number 794 Richmond Terrace 2	11e. Inside City Limits? 1 ☐ Yes 2 ☐ No
12. Date of Birth (Month) (Day) (Year/yyyy) December 25 1948		13. Age at last birthday (years) 72		
14. Usual Occupation (Type of work done during most of working life) Do not use "Unemployed" Managing Agent		15. Kind of business or industry Ivory Coast Graphics		
16. AKA's or AKAs Mahamud Sipo Kpaka II		17. Birthplace (City & State or Foreign Country) Liberia		
18. Education (Check the box that best describes the highest degree or level of school completed at the time of death) 1 ☐ 8th grade or less; none 2 ☐ 9th - 12th grade; no diploma 3 ☐ High school graduate or GED 4 ☐ Some college credit, but no degree 5 ☐ Associate's degree (e.g., AA, AS) 6 ☐ Bachelor's degree (e.g., BA, BS) 7 ☐ Master's degree (e.g., MA, MS, MEd, MEd, MEd, MEd) 8 ☐ Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LL.S., JD)		19. Ever in U.S. Armed Forces? 1 ☐ Yes 2 ☐ No 3 ☐ Married, but separated 4 ☐ Never Married 5 ☐ Widowed 6 ☐ Unknown		
20. Surviving Spouse's/Partner's Name (prior to first marriage) (First, Middle, Last) Linda Annette Stanley		21. Father/Parent Name (Prior to first marriage) (First, Middle, Last) Lahai Kpaka		
22. Mother/Parent Name (Prior to first marriage) (First, Middle, Last) Fatima Rogers		23. Informant's Name Linda Annette Kpaka		
24. Relationship to Decedent Spouse		25. Address (Street and Number) Apt. No. City & State ZIP Code 794 Richmond Ter Apt 2, Staten Island, NY 10301-1187		
26. Method of Disposition 1 ☐ Burial 2 ☐ Entombment 3 ☐ City Cemetery 4 ☐ Other Specify		27. Place of Disposition (Name of cemetery, crematory, other place) Liberty Grove Crematory		
28. Location of Disposition (City & State or Foreign Country) Old Bridge, NJ		29. Date of Disposition mm dd yyyy 01 11 2022		
30. Funeral Establishment All Boro Cremation Services		31. Address (Street and Number) City & State ZIP Code 1289 Forest Ave Staten Island, NY 10302-2322		

Changes approved for filing by the Commissioner of Health Formerly: Disposition Method - Interim; approved by Deputy City Registrar J. Hicks on Jan-10-2022, Formerly: Decedent Last Name - Kpaka; approved by Deputy City Registrar J. Hicks on Jan-07-2022; No further entry beyond this point.

EV 20220116471

January 11, 2022

VR 16 (Rev. 01/20)



This is to certify that the foregoing is a true copy of a record on file in the Department of Health and Mental Hygiene. The Department of Health and Mental Hygiene does not certify to the truth of the statements made therein, as no inquiry as to the facts has been provided by law.

Do not accept this transcript unless it bears the security features listed on the back. Reproduction or alteration of this transcript is prohibited by § 19(b) of the New York City Health Code if the purpose is the evasion or violation of any provision of the Health Code or any other law.

Stephen Van Wyke
Greichen Van Wyke, PhD, City Registrar

1400000920251



B-1

ANY ALTERATION OR ERASURE VOID THIS CERTIFICATE

FILED: RICHMOND CIVIL COURT - L&T 12/22/2023 05:52 PM NO. LT-302048-23/RI [H0]

FILED: RICHMOND CIVIL COURT - L&T 12/06/2022 03:38 PM NO. LT-302048-23/RI [H0]

NYSCEF DOC. NO. 7

Exhibit 4

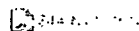
RECEIVED NYSCEF: 12/06/2022

Attention: ERAP Application Approval 4NBBO 794 Richmond Terrace Apt. #2 Staten
Island, NY 10301

New York State ERAP <noreplynyserap@otda.ny.gov>

Wed 5/11/2022 3:35 PM

To: Ivorycoastgraphics@outlook.com <ivorycoastgraphics@outlook.com>



NYS Emergency Rental Assistance Program (ERAP)
Office of Temporary and Disability Assistance (OTDA)

*You have received an important message from the New York State (NYS) Emergency
Rental Assistance Program (ERAP).*

Attention: ERAP Application Approval

Payment Date: 05/11/2022

Linda Mahamud Kpaka
794 Richmond Terrace Apt. #2
Staten Island, NY 10301
4NBBO

Dear Linda Mahamud Kpaka,

This letter is to inform you that the Emergency Rental Assistance Program Application 4NBBO
for Linda Mahamud Kpaka residing at 794 Richmond Terrace Apt. #2 Staten Island, NY
10301 is approved for a rental payment and a rental payment has been scheduled.
Payment will be issued directly to your Landlord/Property Owner/Property Management
Company. If you applied for assistance to help pay for utilities and are approved for a utility
payment, you will receive a separate notice.

APP 2 B-1

13 of 15

B-2

Civil Court of the City of New York
County of Richmond
Part y

Index Number 300327/21
Motion Cal. # 1 Motion Seq. # 2

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers
considered in the review of this Motion:

Papers

Notice of Motion and Affidavits Annexed.....
Order to Show Cause and Affidavits Annexed.....
Answering Affidavits.....
Replying Affidavits.....
Exhibits.....
Other.....

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Tanice Kpaka, Lalah
Kpaka, Linda Kpaka, et al

Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion for DRP, summary

judgment + OSC for damages is as follows:

This summary non-payment proceeding commenced in 5/2021
alleging that all the named respondents ~~were~~ ^{are} tenants of the
premises "having" entered into possession under a rental
agreement beginning Jan. 1, 2017 and terminating on Dec 31, 2017,
with a rent of \$1900 each month. The petition seeks rent balance
from 9/2020 through 5/2021, for a total of \$16,626.00 through
5/2021. Respondent Linda Kpaka Answered + her Answer
appears to seek a Counterclaim for the same amount.
Additionally, Petitioner filed a DRP motion against the
defaulting Respondents + sought summary judgment
against the Answering Respondents (on 7/15/22).
Another Answer was filed by Tejan Kpaka + balls, on
6/3/2021 + Petitioner filed its Reply to Linda Kpaka's Counterclaim
the case was stayed upon the filing by Linda Kpaka of
a hardship declaration in 6/2021. Once the stay
was lifted (after expiration of the CEEFPA portion
of the statute on Hardship Declarations, in

NYSCF Doc No: 100-1

Choose the appropriate allegations A, B, or C and type or print them under number 7.

A. The apartment is subject to rent control and the rent demanded herein does not exceed the maximum rent prescribed by the New York State Division of Housing and Community Renewal (DHCR).

B. The apartment is presently subject to the Rent Stabilization Law of 1969, as amended because:

If you choose B, include 1, 2, 3, or 4.

1. It was subject to the Rent Stabilization Law on June 30, 1974;
2. It became subject to the Rent Stabilization Law on July 1, 1974. It had been subject to the Rent Stabilization Law on June 30, 1971, but was destablized prior to July 1, 1974, because of a vacancy which occurred between July 1, 1971 and June 30, 1974;
3. It became subject to Rent Stabilization Law on July 1, 1974. It had been subject to the City Rent Law (rent control) on June 30, 1971, but was decontrolled prior to July 1, 1974, because of a vacancy which occurred between July 1, 1971 and June 30, 1974.
4. It became subject to the Rent Stabilization Law on _____, 19____. It had been subject to City Rent Law (rent control) on June 30, 1974, but was thereafter decontrolled because of a vacancy which occurred on _____, 19____.

If you choose A or B, include the following language.

and the owner of the premises has registered rents and services with the DHCR pursuant to the Administrative Code; is in compliance with the Rent Stabilization Law and Code; and the rent demanded herein does not exceed the legal regulated rent permitted the owner under said Law, Code and appropriate Rent Guidelines Board Orders.

C. The apartment is not subject to any of the foregoing by reason of _____ add language describing the reasons.

L & T No. _____

**Civil Court of the City of New York
County of Richmond, Housing Part**

Kevin Orekinto,

**Petitioner
(Landlord)**

against

Janice Kpaka, Lalah Kpaka, Linda Kpaka, Tejan Kpaka, Nlle Kpaka,
Mahumud Kpaka, Mohamed Kpaka, Madeline Fajardo,
John Doe 1*, John Doe 2*, John Doe 3*, John Doe 4*,
Jane Doe 1*, Jane Doe 2*, Jane Doe 3*, and Jane Doe 4*

**Respondent
(Tenant)**

**Respondent
(Undertenant)**

794 Richmond Terrace, Apt #3 Floor, Staten Island, NY 10301 Premises

PETITION - DWELLING - NON-PAYMENT

Amount Claimed **\$16,626.00**

Notice of Petition Served on _____, 20__

Notice of Petition Returned on _____, 20__

Notice of Petition issued on _____, 20__

Tenant appears on _____, 20__
but fails to answer.

Tenant answers on _____, 20__

Answer is _____

Set for trial on _____, 20__

Landlord notified on _____, 20__

Tenant notified on _____, 20__

Sufficiency of answer referred

to court _____, 20__

Raises _____ issue

Judge
SGARLATO & SGARLATO, PLLC
Attorney(s) for Petitioner
1444 Clove Road, Staten Island, New York 10301
718-273-7900

C-2

Civil Court of the City of New York
County of Richmond
Part Y

Index Number 302 048-23
Motion Cal. # _____ Motion Seq. # _____

Kevin Dreckinto

Claimant(s)/Plaintiff(s)/Petitioner(s)

against
Linda KPAKA et al

Defendant(s)/Respondent(s)

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	<u>10-16</u>
Order to Show Cause and Affidavits Annexed	_____
Answering Affidavits	<u>17</u>
Replying Affidavits.....	<u>18</u>
Exhibits	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to _____

is as follows:

Petitioner's motion for summary judgment is denied.
The deed attached to the motion papers ~~is~~ is
not the deed for the subject premises.
Proof of ownership is necessary to
establish summary judgment.

Date

12-13-23

Judge, Civil Court
KIMBERLEY S. SLADE
JUDGE, HOUSING COURT

D-1

2021 to May 2022 were based upon \$1,900.00 per month. The Landlord argues the market value of the rent for the apartment is more than \$1,900.00 per month.

The Court finds that in balancing the position of the parties, the Respondents may be allowed to remain in the premise pending the appeal to the Appellate Term of the Supreme Court on the condition that they pay for the use and occupancy of the premise while in possession. The Court determines a fair value for the use and occupancy of the premise is \$1,900.00 per month. If the Respondents are not able to make the payment, then the Court shall re-evaluate the status of the warrant of eviction and possibly lift the stay.

Accordingly, the warrant of eviction is further stayed until May 22, 2024 on the condition the Respondents present payment in Court to the Petitioner for the use and occupancy of the premise for the month of May in the amount of \$1,900.00 at a hearing to be held in the Court, located at 927 Castleton Avenue, Staten Island NY, in Part Y in Courtroom 5, on May 22, 2024 at 2:30 PM. At that time a further hearing will be held to determine whether a further stay of the warrant of eviction should be issued. Therefore, it is further,

ORDERED, that the warrant of eviction in this proceeding is stayed until May 22, 2024.

This is the Decision and Order of the Court.

Date: May 8, 2024

Civ-GP-85


Hon. Robert J. Helbock
Supervising Judge, NYC Civil Court

Civil Court
of the
City of New York
MAY 08 2024
ENTERED
RICHMOND COUNTY

E-1

099 Richmond Job Center

Date: 05/17/2024

201 Bay St, 1st Fl

Case Number: 00039864239H

Staten Island NY 10301-0000

Case Name: LAHAI M KPAKA

Center Number: Richmond Job Center #099

LAHAI M KPAKA

794 RICHMOND TER

Apt: 3

STATEN ISLAND NY 10301-1187

**Emergency Safety Net Assistance (ESNA)
Shelter Arrears Repayment Agreement**

REPAYMENT AGREEMENT

Case Address (applicant's address at time of arrears): 794 RICHMOND TER, 3
STATEN ISLAND, NY 10301-1187

As a condition of eligibility for receiving this assistance to prevent eviction or foreclosure, I agree to repay the Human Resources Administration up to the amount of \$ 53200.00 in twelve (12) maximum monthly installments of \$ 4433.33. It is possible the final arrears payment made to my landlord may be less than this amount. If it is less, the amount I need to repay will be reduced and I will be advised at that time.

I understand that each payment is due on the date indicated on the monthly bill I will receive from the Human Resources Administration.

I understand that the Human Resources Administration's Division of Accounts Receivable and Billing will send me a monthly bill. My check or money order must be made payable to the Human Resources Administration and must include my address and case number. I understand that payments must be mailed in the provided addressed postage-free return envelope to:

Human Resources Administration
Division of Accounts Receivable and Billing
150 Greenwich Street, 34th Floor
New York, NY 10007

If I am receiving shelter arrears assistance, I understand that I will not be eligible to receive another rent, mortgage or tax arrears payment to prevent eviction or foreclosure unless I have fully repaid any assistance received or I am repaying such assistance in accordance with the terms of this/these repayment agreement(s). I also understand that if I fail to repay this assistance in accordance with this/these agreement(s), the Human Resources Administration will enforce this repayment agreement by any method available to a creditor. This includes, but is not limited to, referring the matter to a collection agency, obtaining a judgment from a court, obtaining a lien on real property or garnishing wages, when appropriate. Additionally, I understand that regardless of the payment agreement, I cannot receive more than one shelter arrears payment in a five-year period, unless the Human Resources Administration has an exception policy and makes an exception.

I understand that the Human Resources Administration also has the right to require that I sign a lien on my real property for receiving a rent, mortgage or tax arrears payment, or for receiving a shelter arrears payment authorized under the category of Emergency Safety Net Assistance. If a lien is taken, that portion, which represents this arrears payment, will be considered satisfied when the arrears payment has been repaid in full.

Later, if I become eligible for recurring Cash Assistance, any unpaid balance of this arrears payment will be suspended until I am no longer receiving recurring Cash Assistance. At that time, the unpaid balance again will become due to the Human Resources Administration under the terms of this agreement.

I understand that by signing this form, I agree to all of the above conditions.

UCC - 1-308, 132-R-52-PL-220
UCC - 3-416, 7-114 R-64/65
John R. Little

Applicant's Signature

05/17/2024

Date

05/17/2024

Legal Spouse's Signature

Date

S. Little

05/17/2024

Authorized by

Date

Note: This form is not valid unless the Applicant's signature is present.

Form W-147H (page 3 of 3) LLF
Rev. 04/01/15

Human Resources Administration
Family Independence Administration

DO NOT SEND IF PROCESSED IN POS

For Office Use Only

For Use by Division of Accounts Receivable
and Billing (DARB) Only

Billing Information

Refund Item Class Description: One-Time Shelter

MGMT Unit: 0707

Code: RES

Billing: Yes

Number of Payments: 12

Mail Receipt: Yes

Copies: (1) file (1) applicant

E-2

NYSCEF Civil Court of the City of New York
County of Richmond, Part 61-Trial Judge Robert J. Helbock Jr.

Index Number LT-302048-23/R1 10/17/2024

Kevin Oreckinto

Petitioner(s)

-against-

Linda Kpaka AKA Linda Annette Kpaka; Nile Kpaka; Lahai Kpaka;
Lahal Kpaka; Timmy Jackson; Timmothy Jackson; "John" Jackson;
"John" "Doe"; "Jane" "Doe"

Respondent(s)

Decision/Order

Civil Court
of the
City of New York
OCT 17 2024
ENTERED
RICHMOND COUNTYHon. Robert J. Helbock
Civil Court Judge (NYC)

By a decision of the Court dated March 22, 2024, the Petitioner/landlord's motion for summary judgment was granted. A judgment and warrant of possession were issued April 10, 2024. The Respondents filed a Notice of Appeal on April 2, 2024, and then an amended Notice of Appeal on April 10, 2024.

The Petitioner filed an order to show cause on April 16, 2024, seeking a stay of the warrant of possession pending the Respondents appeal of the matter. The Court issued an Order dated May 8, 2024, staying the execution of the warrant subject to the payment by the Respondent of the amount of \$1,900.00 per month, plus utilities, for the use and occupancy of the premise during the pendency of the Respondents' appeal.

The Respondents failed to make the payment for the use and occupancy of the premise as ordered, and by an order issued June 7, 2024, the order to show cause (motion #8) was denied.

The Respondents filed another order to show cause (Motion #9) on June 7, 2024, seeking a stay of the warrant of possession. This time the Respondents made the payment for the use and occupancy of the premise for the months of May and June of 2024, and the warrant of possession was stayed until July 15, 2024. On the next Court appearance date, the Petitioner acknowledged receipt of payment for the use and occupancy of the premise through September 30, 2024. The Court, by a decision issued July 15, 2024, stayed the warrant of possession until October 15, 2024. By that order, the Court directed the Respondents to produce evidence on October 15, 2024, showing the payment for the use and occupancy for the premise that was due on October 1, 2024.

At today's Court appearance, both the Petitioner and the Respondent Lahai Kpaka, acknowledged that the use and occupancy payment due on October 1, 2024, was not paid. Therefore, the Respondents are not in compliance with the Court's Order dated May 8, 2024.

The Respondent, Lahai Kpaka, notified the Court that the Respondents were granted an extension of time to perfect their appeal, by the Supreme Court, Appellate Term, to November 29, 2024. In addition, the Respondent, Lahai Kpaka, notified the Court that he has an appointment with the N.Y.C. Human Resources Administration (hereinafter referred to as HRA) on November 19, 2024, to discuss the

F-1

extension of the grant to pay the use and occupancy for the premise during the pendency of the appeal. The Respondent, Mr. Kpaka, requested an extension of time for the stay to permit him to address these issues.

While the Court recognizes Mr. Kpaka's efforts to request assistance in the payment of the use and occupancy for the premise, the Court has continually explained that the Respondents' possession of the premise is subject to the payment for the use and occupancy ordered by the Court. HRA's delay in responding to the Respondents' application does not change the order of the Court directing the payment of the use and occupancy, nor require the Court to further extend the stay of the eviction. The Court's order of July 15 2024 put all parties on notice that the time for HRA's decision was before October 15, 2024. Despite HRA's delay, the Respondents are still responsible to comply with the Court's order.

Therefore, the Court finds the Respondents are not in compliance with the May 8, 2024, Order of the Court.

Respondent Linda Kpaka also made two verbal motions, one to dismiss the case and the second requesting the presiding judge to recuse himself based upon racial discrimination against the Respondents. Mrs. Kpaka has made these same motions multiple times before. In support of the motion to dismiss Mrs. Kpaka makes the same argument that was previously addressed in a prior decision of the Court, namely that Mr. Oreckinto missed a Court appearance and the case should be dismissed. However, the Court has repeatedly explained to Mrs. Kpaka that the Clerk of the Court mistakenly sent the Order of the Court directing the parties to appear in Court to the Petitioner's former attorney, not Mr. Oreckinto. Therefore, while the Court apologized for the error, the Clerk's mistake is not grounds for dismissal of the action. When he was notified, Mr. Oreckinto did appear and continues to appear before this Court. Mrs. Kpaka has not offered any new evidence to justify re-argument of the motion to dismiss. The Court previously ruled on this motion and the Court will not re-litigate the issue now.

Regarding the motion for the judge to recuse himself, Mrs. Kpaka offers no evidence to show that any decision of the Judge presiding over the matter was based upon racial bias. Mrs. Kpaka's rants do not constitute evidence. The Respondents' motions have not come until after the decision on the summary judgment motion, and despite given the Respondents' multiple opportunities to comply with the directions of this Court.

"Absent a legal disqualification under the Judiciary Law §14, a trial judge is the sole arbiter of recusal.... When the alleged impropriety arises from information derived during the performance of the court's adjudicatory function, then recusal could surely not be directed as a matter of law." *People v Moreno*, 70 N.Y.2d 403 (N.Y. Court of Appeals, November 19, 1987) There is no legal disqualification suggested by the movant, but rather discontent with the rulings of the Court. Therefore, the Court denies the motion for recusal because it is not supported by any evidence or justification.

The Court notified the Respondents that it will entertain further motions to stay the Respondents' eviction upon the production of evidence that the money due to the Petitioner for the use and occupancy of

the premise. from October 1, 2024 and continuing for the pendency of the appeal, is paid. The Court may not consider further motions without that evidence.

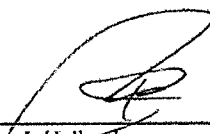
Accordingly, the execution of the warrant of eviction is stayed through and including December 6, 2024 for the Respondents to pay the sum of \$1,900.00 for the arrears of use and occupancy through the month of October, and including \$3,800.00 to pay November and December use and occupancy of the premise. Upon default, the warrant of eviction shall execute by service of the marshal's notice.

The Respondents' motion to dismiss is denied, and the Respondents' motion for the Judge to recuse himself is denied.

Furthermore, the Court directs all parties to appear on December 6, 2024 at 2:30 P.M. for the Respondents to notify the Court of the status of their appeal.

This is the Decision and Order of the Court.

Date: October 16, 2024



Hon. Robert J. Helbock
Civil Court Judge (NYC)

(1/2024)

SUPREME COURT OF THE STATE OF NEW YORK:
APPELLATE TERM SECOND DEPARTMENT2nd, 11th & 13th JUDICIAL
DISTRICTS☐ 9th & 10th JUDICIAL
DISTRICTSKevin Oreckine (Plaintiff)

ORDER TO SHOW CAUSE

-against-

Appellate Term Docket Number:

11201-23-1811201-23-18Lower Court Index No. 11201-23-18Upon the annexed affirmation of Kevin Oreckine, dated April 16, 2024,
and the papers annexed thereto,LET KEVIN ORECKINE Plaintiff SHOW CAUSE BEFORE THIS
COURT, at the courthouse thereof, located at 141 Livingston Street, 15th Floor, Brooklyn, New York,
11201, on the 16 day of April, 2024, at 10:00 o'clock in the forenoon of that date,
why an order should not be made and entered:

- ☒ Staying the Eviction
☐ Staying the trial
☐ Staying enforcement of money judgment

- ☒ Staying Execution of the Warrant
☐ Staying the Sentence
☐ Other: Staying the Sentence

And, granting such other and further relief as to the court may seem just and equitable.

SUFFICIENT CAUSE THEREFOR APPEARING, it is

ORDERED that service of a copy of this order to show cause and the papers upon which it was
made upon Kevin Oreckine and the
Marshal/ Sheriff, if any, by

- ☐ personal delivery pursuant to CPLR 2103(b)(1) or 2103(c)
☐ office delivery pursuant to CPLR 2103(b)(3)
☐ overnight delivery service pursuant to CPLR 2103(b)(6)
☐ first class mail with certificate of mailing at the Post Office

on or before April 16, 2024, shall be deemed sufficient service thereof, and it is
further:

(1/2023)

ORDERED that opposition papers, if any, must be served by

- ☐ personal service at least two (2) days prior to the return date herein, and it is further,
- ☐ personal delivery pursuant to CPLR 2103(b)(1) or 2103(c) at least two (2) days prior to the return date herein and it is further,
- ☐ overnight delivery service at least three (3) days prior to the return date herein, and it is further.

ORDERED that (provision not applicable unless initiated by Justice of Appellate Term)

- ☐ Pending the hearing and determination of this motion and entry of an order hereon, LET all proceedings on part of the respondent(s), or any person acting on behalf of the respondent(s) including the attorney(s) and agent(s) of the respondent(s) and, if applicable, any marshal or sheriff BE STAYED.
- ☐ The above temporary stay is conditioned upon the movant depositing with the Clerk of the Court in the lower court the sum of \$ _____ on or before _____ PM on _____. Said amount is to remain on deposit until the appeal is determined or unless otherwise ordered by the court. If the deposit is not timely made, then the temporary stay is deemed vacated. Check with the lower court to determine the acceptable methods of payment and the location where the deposit must be made.
- ☐ Proof of service and of deposit (if required) must be filed in the court's portal (see below) no later than 5:00PM on _____.
- ☐ These papers may be served by the appellant in person.

Dated, _____

REFUSED
04-17-24
Hon. Marina Cora Mundy

CLERK OF THE APPELLATE TERM
JUDICIAL ASSOCIATE JUSTICE
APPELLATE TERM 2ND DEPARTMENT

All papers including the opposition and reply papers shall be filed with the Clerk's Office by uploading a digital copy, with proof of service, onto the court's digital portal, Records, Briefs & Motions Drop Off, found on the court's website at https://www.nycourts.gov/courts/ad2/Digital_Submission_A12.shtml.

NOTE: On the return date all motions and proceedings are deemed submitted. Oral argument is not permitted (22 NYCRR 731.4 (a)).

IF YOU HAVE BEEN SERVED WITH THESE PAPERS YOU MAY CALL THE APPELLATE TERM CLERK'S OFFICE AT (347) 401-9880 TO VERIFY THE AUTHENTICITY OF THE PAPERS