

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK – PART 57

PRESENT: Hon. Marcy S. Friedman, JSC

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INDEPENDENCE PLAZA NORTH TENANTS'  
ASS'N, et al.,

Index No.: 113831/04

*Plaintiffs,*

DECISION/ORDER

- against -

INDEPENDENCE PLAZA ASSOCIATES, L.P., et  
al.,

*Defendants.*

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This court previously determined all branches of defendants' motion and plaintiffs' cross-motion, except the branch of plaintiffs' cross-motion for leave to amend the complaint to add a claim that plaintiffs' tenancies are rent stabilized. For the reasons set forth in a decision of the same date in a related action entitled Denza v Independence Plaza Assocs., LLC (Sup Ct, New York County Index No. 117673/05) ("Denza"), this court cannot find as a matter of law that the amendment is plainly lacking in merit.

It is accordingly hereby ORDERED that plaintiffs' cross-motion is granted to the following extent: Plaintiffs are granted leave to serve the amended complaint in the form annexed as Exhibit F to plaintiffs' affidavit in support of the cross-motion; and it is further ORDERED that the amended complaint shall be deemed served upon service of a copy of this order with notice of entry; and it is further

ORDERED that the parties shall appear in Part 57 of this Court on October 4, 2007 at 2:30 p.m. for a joint discovery conference with Denza on the issue of the effect of receipt and termination of J-51 benefits on plaintiffs' claim of rent stabilization coverage.

This constitutes the decision and order of the court.

Dated: New York, New York  
September 26, 2007

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MARCY FRIEDMAN, J.S.C.