

New York Supreme Court
Appellate Division--First Department

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In re Lidya Radin,

Appellate Court Docket no: _____

Claimant/petitioner,

Index no: 250824/2015

-against-

Judge Kenneth L. Thompson, Jr.
Judge, New York Supreme Court,
Bronx County,
And his law clerks,

Eric Schneiderman, Attorney General
of the State of New York,

**VERIFIED PETITION FOR
A WRIT OF PROHIBITION
WITH A STAY & ORAL ARGUMENT
AND MOTION FOR POOR
PERSON RELIEF**

William Gogel.

Respondents.

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(1) I, Lidya Radin, sui juris, a living woman, make this **Verified Petition** for a **Writ of Prohibition** to prohibit Judge Kenneth L. Thompson, Jr., in Supreme Court of the State of New York, County of Bronx, Bronx, New York, from taking any further action in my case (Lidya Radin v. Midtown Moving and Storage, Inc., Index no: 250824/2015) because he lost jurisdiction by violating my constitutionally protected rights to due process and redress by refusing to sign subpoenas to compel the production of documentary evidence and witnesses.

(2) I have personal, first-hand knowledge of the facts and am competent, and willing to testify.

(3) **Brief statement of the immediate issue/ brief statement of the facts:**

New York City lawyer Myron Altschuler and his firm, Borah, Goldstein, Altschuler, Nahins & Goidel, (tel: 212-965-2660) **intentionally made false statements** in Brooklyn, New York, landlord-tenant court to unlawfully evict me from a rent-stabilized apartment in 2014/2015.

(4) I have spinal injuries, am trying to avoid surgery, and was a legal roommate of an elderly lady, a Jehovah's Witness, in a rent-stabilized apartment in Brooklyn, New York from March 2011 to February 2015 with whom I established an interdependent relationship such that I

established succession rights to the rent-stabilized apartment as acknowledged by the landlord-tenant court in Brooklyn, with Judge Lydia C. Lai.

(5) From 2011 to 2013, I **won** two Orders to Show Cause to stop two unlawful eviction attempts by the greedy landlords and their law firm against the little, old lady, Ms. Piovanetti. Driven by insatiable greed, the landlords try to drive out legal tenants of rent-stabilized apartments, to dramatically raise rents. They target little, old ladies in a business model, as easy prey.

(6) In 2014, in retaliation, the landlords and their law firm tried a third unlawful eviction, claiming in their 2014 petition that they did not know who I was, or how I came to live in the apartment.

(7) In fact, their sworn statements in 2014 are directly contradicted by their sworn statements in 2013.

(8) **Notably, in sworn statements the landlords' attorneys made in 2013, they showed that they knew I was a legal roommate pursuant to New York Real Property law section 235f: unlawful restrictions on occupancy a.k.a. New York's roommate law (does not require the consent of the landlord) and that I had lawfully established succession rights, should I choose to exercise them.**

(9) In February 2015, the landlords executed a unlawful eviction, based on an intentional false court record, broke into my apartment with a warrant for eviction that was erroneous on its face (**didn't even have my name on it**), and seized my property, including a medical device that I need to use to treat my spinal injuries.

(10) Now, in July 2015, the moving company the landlords' hired, Midtown Moving & Storage, Inc., is trying to unlawfully auction off my property; property they stole !

(11) I got an Emergency Restraining Order to stop the auction, in the Bronx, New York, where the moving and storage company has the warehouse where my property was taken, unlawfully.

(12) The underlying landlord-tenant cases in Brooklyn, New York, are: Index no: 081846, 708-716 Ocean Community Corp v. **LYDIA** Radin (**not my name**), and Index no: 109005/11, 708-716 Ocean Community Corp v. Etelvina Elizabeth Piovanetti.

(13) I requested subpoenas to bring the records from Brooklyn to the Bronx, so that Judge Kenneth L. Thompson, Jr., could make an informed decision, and he refused to sign them, claiming that they were "**over-reaching**" ! This is absurd.

(14) *It is absurd and a violation of my constitutionally protected rights to due process and redress that Judge Thompson refused to sign subpoenas so the Brooklyn courts (where the unlawful eviction was executed) can give the files/records to the Bronx court (where I am trying to stop the unlawful auction of my property, seized during the unlawful eviction); see also the attached witness list: “The Appellate Term/ Second Department will **not** provide certified photocopies, therefore I need to subpoena the records. Deputy Chief Clerk Marianne Ritz has a videotape that she made using her cell phone, which is also subject to a subpoena, wherein she stated that the Appellate Term/ Second Department will **not** provide certified photocopies”* compelling me to get a subpoena from Judge Thompson which he refused to give.

(15) *Further, it is absurd that Judge Thompson claimed that my request for a subpoena to obtain my records from my personal injury lawyer, Donald Zolin, that speak to my spinal injuries is “ over-reaching” !*

(16) I reserve the right to submit Supplemental papers to supplement this petition to deepen the Court’s understanding.

Jurisdiction

(17) As a court of original proceedings, this court has jurisdiction over Respondents and the claims brought pursuant to C.P.L.R. Article 78.

(18) This court has jurisdiction over the claims for declaratory relief pursuant to C.P.L.R. section 3001.

Venue

(19) This proceeding is brought in the judiciary department where Respondents’ principal offices are located and where the wrongdoings were done.

Parties

(20) Lidya Radin, physically disabled with spinal injuries, a federal judge already confirmed during the course of this litigation that in treating my spinal injuries it was discovered that I may have a potentially life-ending physical medical condition.

(21) Presiding Judge Kenneth L. Thompson, Jr., and his law clerks proceeded, is proceeding, and is about to proceed without or in excess of jurisdiction (prohibition) against me.

(22) Eric Schneiderman, Attorney General of the State of New York, proceeded, is proceeding, and is about to proceed without or in excess of jurisdiction (prohibition) against me.

(23) Mr. Schneiderman is under contract and oath of office to honestly practice law by serving and protecting the public and the State.


(24) William Gogel, an attorney, colluded in deceit during these proceedings in violation of New York Judicial law section 487, misconduct on the part of attorneys which is controlling.

(25) New York Judicial Law section 487 governs misconduct on the part of attorneys and is controlling upon the New York Bar:

(26) No previous application has been made for the relief requested herein.

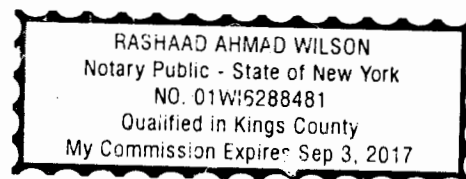
WHEREFORE, it is requested that this Petition be granted in its entirety, and that such other and further relief be granted as justice demands including restitution and the costs of this Petition.

13-July-2015
New York, New York



Lidya Radin, sui juris





SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
LIDYA RADIN

-against-

MIDTOWN MOVING & STORAGE, INC.
-----X

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: WITNESS LIST

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: Index no: 250824 / 15
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Brief summary: This is an action to stop Midtown Moving & Storage from auctioning my property. Midtown Moving & Storage is located in Bronx, New York. On Tuesday, February 17, 2015, Midtown Moving & Storage stole my property out of a rent-stabilized apartment located in Brooklyn, New York, where I was a legal tenant with succession rights. This unlawful eviction was based on criminal conduct executed by the senior partners of the law firm Borah, Goldstein, Altschuler, Nahins & Goidel, P.C. in violation of New York Judicial law section 487, misconduct on the part of attorneys, among other things. I was targeted because, among other things, I am a physically-disabled legal tenant in a rent-stabilized apartment with spinal injuries and a potentially life-ending physical medical condition; as such I am perceived as weak and vulnerable, easy prey.

(1) E.L. Cassell, along with other irrefutable evidence, will testify to the fact there was a medical device(s) in my apartment located at 716 Ocean Avenue, Brooklyn, New York, that is used to treat spinal injuries, such that Harriet Polinsky, a senior partner, at Borah, Goldstein Altschulert, Nahins & Goidel made false statements of material fact when she stated otherwise.

(2) Donald Zolin, subpoena for Records, the records from my attorney, Donald Zolin. Donald Zolin is my personal injury attorney. My records, from his office, will speak to my spinal injuries.

(3) Brother Michael Tapia, among other things, will testify to the fact that the landlords and their attorneys, executed a fraud upon the court in their July 2014 petition for eviction when they stated that " *The manner in which she took occupancy is unknown to the Petitioner, except that it was without the Petitioner's permission or the permission of the Petitioner's predecessor in interest*", see paragraph three of the July 2014 Petition, and in the T.R.O. from this court, "*the landlord committed a fraud upon the court in his petition for eviction*". Note also that the landlords' permission is not required pursuant to New York's roommate law, NYRPP sec. 235-f, unlawful restrictions on occupany. Brother Tapia has unique information in that he

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

LIDYA RADIN

-against-

MIDTOWN MOVING & STORAGE, INC.

WITNESS LIST-

CONTINUED

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can name other Jehovah's Witnesses who are able to testify and give evidence that the landlords and their attorneys executed a fraud upon the court in their July 2014 petition.

(4) Michael Valentine, Esq., among other things, will testify to the fact that the landlords and their attorneys, executed a fraud upon the court in their July 2014 petition for eviction.

(5) Marianne Cutrona Ritz, Deputy Chief Clerk, subpoena for Records, my records from the Appellate Term/ Second Department demonstrate that (a) and that the landlords do not have my name on their court papers in the underlying unlawful eviction proceeding, despite my Answer, *et al matter (JR)* and (b) my 7th amendment constitutionally protected right to a jury trial in a civil manner was violated. The Appellate Term/ Second Department will not provide certified photocopies, therefore I need to subpoena the records. Deputy Chief Clerk Marianne Ritz has a videotape that she made using her cell phone, which is also subject to a subpoena, wherein she stated that the Appellate Term/ Second Department will not provide certified photocopies. See my application in this court: "the judgment against me obtained by the landlord was obtained unlawfully by (a) violation of my 7th amendment constitutionally protected right to a jury trial in a civil matter, (b) the warrant for removal is defective on its face as it does not contain my name, and (c) the landlord committed a fraud upon the court in his petition for eviction".

(6) Landlord-Tenant Clerk's Office, subpoena for Records, in 708-716 Ocean Community Corp v. Etelvina Elizabeth Piovanetti, Index no: 109005/11, demonstrates that the landlords and their attorneys executed a fraud upon the court.

(7) Landlord-Tenant Clerk's Office, subpoena for Records, in 708-716 Ocean Community Corp v. Lydia Radin, Index no: 81846/14, demonstrates that the landlords and their attorneys executed a fraud upon the court.

(8) Anntoinette Woolridge, U.S. Attorney's Office, subpoena for Records, demonstrates the U.S. Attorney General, Loretta Lynch, as U.S. Attorney for the Eastern district of New York, was informed of criminal conduct by the city and state, and of civil and human rights violations as per the recommendation of attorney-of-record, Subhan Tariq, another potential witness. As a constitutional issue of national importance, these records demonstrate violations against the living body of the law, a great wrong, as well as towards me, innocent victim.

STATE OF NEW YORK, COUNTY OF BRONX,
DEPUTY CLERK OF THE COUNTY CLERK AND
CLERK OF THE COURT, BRONX
TRANSCRIPT THEREOF AND OF THE
WHOLE OF SUCH ORIGINAL IN WITNESS
HEREOF I HAVE SET MY HAND AND
SEAL
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WITH THE ORIGINAL FILED IN MY OFFICE ON
JUL 9 - 2015
AND THAT THE SAME IS CORRECT

