

Supreme Court, Appellate Division, Second Department, New York.

**In the Matter of Joan A. MEADERS, etc.,
petitioner-respondent,**

v.

**David JONES, appellant, et al.,
respondents.**

Feb. 14, 2005.

Christopher D. Lamb, Staten Island, N.Y.
(Teresa K. DeFonso and Sarah T. Gillman
of counsel), for appellant.

Wenig, Ginsberg Saltiel & Greene, LLP,
Brooklyn, N.Y. (**Meryl Wenig** of counsel),
and Tenenbaum Dunbar & Berger, LLP,
Brooklyn, N.Y. (David M. Berger of
counsel), for petitioner-respondent (one
brief filed).

In a summary proceeding, inter alia, to
recover possession of real property, David
Jones appeals, by permission, as limited by
his brief, from so much of an order of the
Appellate Term of the Supreme Court,
Second and Eleventh Judicial Districts,
dated June 24, 2003, as, affirmed so much of
an order of the Civil Court, Richmond
County (Lebovits, J.), entered March 27,
2002, as denied that branch of his motion
which was to vacate a provision of a
stipulation of settlement dated December 12,
2001, awarding possession of the subject
premises to the petitioner.

ORDERED that the order dated June 24,
2003, is affirmed insofar as appealed from,
with costs.

The petitioner landlord's noncompliance
with the registration requirements of the
Multiple Dwelling Law did not implicate the
Civil Court's subject matter jurisdiction (*see*
Chan v. Adossa, 195 Misc.2d 590, 760
N.Y.S.2d 609) and was waived by the

appellant tenant (*see 433 W. Assocs. v.*
Murdock, 276 A.D.2d 360, 715 N.Y.S.2d 6).
Inasmuch as the appellant tenant failed to
demonstrate that the stipulation was invalid
by reason of fraud, collusion, mistake,
accident, or other cause sufficient to
invalidate a contract, there is no basis
warranting the vacatur of the provision of
the underlying stipulation awarding
possession of the subject premises to the
petitioner (*see Hallock v. State of New York*,
64 N.Y.2d 224, 230-231, 485 N.Y.S.2d 510,
474 N.E.2d 1178; *99 Commercial St. v.*
Llewellyn, 240 A.D.2d 481, 483, 658
N.Y.S.2d 130; *Varveris v. Fisher*, 229
A.D.2d 573, 574, 645 N.Y.S.2d 853).

PRUDENTI, P.J., COZIER, RITTER and
SPOLZINO, JJ., concur.