



Response from Blanche Zelmanovich to June 9th Legal Committee Letter

1 message

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To: Blanche Zelmanovich <blancheasa@hotmail.com>

Sun, Jun 14, 2026 at 12:47 AM

Dear Fellow Shareholders/Residents,

On June 9, 2026, the Board's "Legal Committee" circulated a letter to you regarding my candidacy and the ongoing litigation between myself and Eastmore Owners Corp. That letter was distributed using building resources to attack my candidacy on the eve of this year's Board elections. I therefore requested that the Board distribute this response to every shareholder in the same manner. If the Board saw fit to use our cooperative's resources to disseminate its one-sided account, fairness and basic fiduciary duty require that my response reach you through the same channels. Unfortunately, the Board refused, so I am providing it personally. I respectfully ask that, should you feel comfortable, that you please forward this response to your friends in the building so that everyone has an opportunity to understand both sides and come to their own conclusion.

I write to you not as a litigant, but as your neighbor, a fellow longtime shareholder, and a duly elected member of the Eastmore Board. I ask only that you consider the full picture – something the Legal Committee claims to provide with its "duty to speak plainly," but, as I will demonstrate below, does not. I address each of their claims in turn.

1. The Legal Committee Says My Candidate Bio Provides An "Incomplete" and "Misleading" View on the Litigation

My candidate bio did not characterize the litigation at all. It simply provided a link to the recent oral argument before the appellate court for Manhattan (called the Appellate Division, First Department) – a public proceeding and a matter of public record – so that any interested shareholder could watch and draw their own conclusions. While I will respond to some of the Committee's mischaracterizations below, I once again encourage you to watch the argument, which includes various admissions about the case by the lawyer hired by the Legal Committee. Here is the link, with the argument beginning at 1:31:00 and lasting

11 minutes: https://www.youtube.com/watch?v=Co_lvn0K400

2. The Legal Committee Claims the Litigation Did Not Begin With the Eastmore, But With A "Chronic Noise Problem" with Complaints by "Residents"

This is false: the evidence is that there was no noise problem, nor were there complaints by multiple residents. The litigation concerns allegations from a single subtenant claiming a noise disturbance caused by my medically prescribed emotional support animal, a West Highland White Terrier named Snowball. As the Eastmore has admitted in the litigation many times – including in the recent argument at the First Department linked above – all the complaints came from the subtenant of a single upstairs apartment who moved out years ago. The appellate court's presiding judge asked the Eastmore's lawyer if the complaints were received from one tenant, with the Eastmore's lawyer quickly responding: "Correct." (1:33:33) and again "Yes" (1:35:40).

On the other hand, I submitted sworn statements from over a dozen residents stating that there is and never was a "noise problem." I did not want to initiate legal proceedings; I was forced to do so when the Board told me they would terminate my proprietary lease and evict me from my home (of now 17 years) due to these unfounded complaints from a single subtenant. This litigation was a last resort to stay in my home, and has caused me, as you might expect, significant personal harm both financially and emotionally.

3. The Legal Committee's Claim that "After Investigation," the Board Concluded That My Dog Barked Persistently, "Disturbing Neighbors," with "Hours of Audio and Video Recordings"

To be clear, there was no investigation by the Legal Committee or anyone else. This is not merely my position – it was confirmed in the proceeding before the First Department. During the oral argument, the presiding judge stated that no investigation had been conducted, and the Eastmore's own counsel, Mr. Dmitrov, did not deny that characterization. Receiving complaints is not the same as performing an investigation. These are fundamentally different things, and the Legal Committee's conflation of the two is misleading (1:35:35).

As noted above, the complaints did not come from multiple "neighbors" as the Legal Committee implies. And, as to the "hours" of recordings, the limited documents produced in discovery show that they were obtained through a hidden recording device placed near my front door. Sanctioning one neighbor's illegally obtained recordings and then characterizing the recordings as evidence of a building-wide disturbance speaks to the Legal Committee's lack of impartiality.

4. The Legal Committee's Claims that "The Former Board Repeatedly Sought to Resolve the Matter Through Direct Meetings, Behavioral Training Referrals and Confirming That Floors Were Properly Carpeted"

This is also false, and the record before the appellate court reflects as much (1:34:35). The Board invited me to a total of two meetings. The first, held at the Board's request in July 2021, I was unable to attend on the date and time chosen—which I communicated clearly, asking for alternative dates. The Board never sent new dates. The second meeting was one I requested myself, but the Board refused to invite the full Board, the complaining upstairs subtenants, and the shareholder who owns the apartment. I have a right to address my accusers, and the Board denied me that opportunity.

As for "behavioral training referrals," the Board leaves out the fact – which I shared well before the litigation began – that Snowball ~~was~~ enrolled in such training. The Board has time and again made clear, including in the settlement discussions referenced in the Legal Committee's letter, that no training would be sufficient for them to resolve this dispute.

Regarding the carpeting, the Board never provided evidence that the upstairs apartment was carpeted in accordance with the House Rules. To the contrary, documents produced in the case confirm that the upstairs apartment not only did not comply with our House Rules but was "carpet free" – a fact shared with Board President Lynda Wertheim, a signatory on the Legal Committee's letter.

I have tried, at every juncture, to resolve this dispute with the Eastmore. Before the lawsuits started, I sent the Board a letter that went unanswered for over three months. I also jumped through hoops I felt were unnecessary – like signing Snowball up for various behavioral classes – all in an effort to avoid a lawsuit. The Board responded by sending me a notice of termination of my proprietary lease days before Thanksgiving, threatening to terminate my lease and evict me from my home during the holidays. In the time since, I have continued to try and settle the lawsuit, with the Board being unwilling to agree to a fair resolution at every turn.

5. The Legal Committee Claims that "At No Point Did Eastmore Owners Corp. Discriminate Against Ms. Zelmanovich"

Under the Fair Housing Act, a cooperative board has an obligation to engage in an interactive process when a shareholder requests a reasonable accommodation for a disability. I made such a request, supported by medical documentation, and the Board refused to discuss any accommodation. Documents produced by the Board in discovery show that the Board internally decided to avoid engaging in discussion with me because, if I provided further details about my disability, that would "result in an additional obstacle for ... us."

In fact, during the first day of the litigation, the Board's own representatives told the Court that no accommodation was required because dogs are allowed in the building. That is not the legal standard. Allowing pets is not the same as providing a reasonable accommodation for a disability-related need. The Board's refusal to even engage in that discussion is itself a violation of the Fair Housing Act. The appellate court reiterated this in no uncertain terms to the Eastmore's lawyers, saying that the Eastmore's arguments suggested a violation of New York law (1:40:57).

To be clear, even though the complaints against me ended once the former upstairs subtenants moved out, there could have been many solutions, including requiring them to put in carpets, as required by the House Rules. This rule is specifically in place to prevent noise transfers between apartments.

6. The Legal Committee Claims the Appellate Division Applied the “Lowest Possible Legal Standard” and Did Not Rule on the Merits

I never claimed the Appellate Division’s decision was a ruling on the merits. I never pointed to the appellate proceeding as “validation” of my case. I shared the link so that you, the shareholders, could see for yourselves what New York’s appellate judges had to say about the Legal Committee’s conduct and decision-making, including how it is using our money. The appeal was, in my view, a costly and ill-advised decision, as the likelihood of prevailing was slim—and the result proved that, with the Court ruling unanimously in my favor and forcing the Eastmore to pay my costs. Shareholders’ money was spent on an appeal that accomplished nothing.

Moreover, and whatever standard applied, the First Department’s questioning of the Eastmore’s positions (and the admissions by the Eastmore’s lawyers) are illuminating and rebut the same false narrative presented in the Legal Committee’s recent letter. Among other things:

- The Court said that I was unable to make the original proposed meeting and tried to set up another meeting, which did not happen. The Eastmore’s lawyer answered: “Correct.” (1:34:35);
- The Court detailed how the Eastmore served its notice of default shortly after I informed the Board of my disability (1:35:14);
- The Court asking: “The Board received a bunch of complaints from one tenant. Just one.” The Eastmore’s lawyer responded: “Yes.” (1:35:40);
- The Court’s Presiding Judge telling the Eastmore’s lawyer: “I got to tell you that [the Eastmore’s legal arguments] places you at risk of violation of the City Human Rights Laws. So I would be very careful and I would suggest that you guys review them again.” (1:41:14).

7. The Legal Committee Claims that “Eastmore Owners Corp. Has Prevailed on Every Motion in This Litigation” Other Than the Appellate Ruling

This is simply false. Among other things, the Court granted my motion relating to discovery, finding that the Eastmore was not producing documents as legally required. The Court went so far as to authorize me to file a contempt motion seeking monetary sanctions and potential dismissal of the Eastmore’s defenses because of the Eastmore’s discovery abuses, which is currently under consideration by the Court. Importantly, the sanctions stemmed, in part, from the Eastmore submitting false sworn statements to the Court. The Committee’s blanket assertion that the Eastmore “prevailed on every motion” is a misrepresentation of the litigation record. (The link to my discrimination case can be found here: https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=DPScegZfS0d4DPZY0Vm_PLUS_NA==&display=all&courtType=New%20York%20County%20Supreme%20Court&resultsPageNum=1).

8. The Legal Committee Claims that “No Determination as to Probable Cause Has Been Made” by HUD

That is correct to the extent that the HUD investigation is ongoing, with the Eastmore providing HUD with additional documents as recently as a few weeks ago. What the Legal Committee failed to disclose is that the Board has been under investigation by this federal agency for potential housing discrimination for two years.

9. The Legal Committee Claims that “Legal Expenditures to Date Total Approximately \$431,549.06”

This figure is misleading, and shareholders deserve to understand why. Eastmore Owners Corp. has insurance coverage for this litigation, and counsel has been appointed by the insurer. If the \$431,549.06 figure represents the cooperative's actual out-of-pocket costs above and beyond insurance, then the Board has a great deal to answer for because spending that amount when insured counsel is available would itself constitute a breach of fiduciary duty and a waste of shareholder funds. If, on the other hand, the figure includes amounts paid by the insurer – not the Eastmore – then the Legal Committee has misled you by presenting it as a burden borne by shareholders. Either way, the number does not mean what the Legal Committee wants you to think it means.

I would also remind shareholders that these costs will continue to mount precisely because the Legal Committee has refused to negotiate in good faith to resolve this dispute. I attempted to resolve this matter before litigation was even filed. Since then, the Board has fought every aspect of the case tooth and nail, refusing reasonable settlement discussions, losing discovery motions that should not have been made or opposed in the first place, and pursuing expensive and unsuccessful appeals. If the Legal Committee is truly concerned about the financial impact on shareholders, it should come to the table with a serious and good-faith proposal – something it has never done.

10. The Legal Committee Claims that Their Letter “Is Not Retaliation. It Is Our Fiduciary Obligation.”

This letter is 100% retaliation, and it constitutes election interference. I won a Board seat last year. The Committee's letter, issued on the eve of this year's election, is transparently designed to prevent my reelection because I have exercised my legal rights. That is retaliation and represents yet another breach of disability discrimination laws by the Board. In their zeal to get me off the Board, the Legal Committee is willing to cause the Eastmore to face further liability, in violation of their fiduciary duties to all shareholders.

The Board's fiduciary duty does not include campaigning against a sitting Board member who is also a shareholder and a litigant with protected legal rights. In fact, the Board's Code of Conduct expressly prohibits singling out individual shareholders by name – which is precisely what the Committee's letter does.

The Legal Committee closes its letter by stating it is “committed to providing you with the complete picture.” As shown above, it has done the opposite and, in the process, exposed itself – and ultimately all of us as shareholders – to even more legal risk.

I love this building and this community. I ran for the Board because I want to make the Eastmore a better place for all of us. I did not ask for this litigation – I asked for the Board to fair-mindedly evaluate the claims by the former upstairs tenant and to provide a reasonable accommodation. The Board chose confrontation over conversation. I ask each of you to look at the full record, watch the public proceedings, and make your own informed decision.

Respectfully,
Blanche Zelmanovich
Shareholder and Board Member, Eastmore Owners Corp.