



ATTORNEY SOUGHT: BROOKLYN LYCEUM Theatre Property Rights Recovery *Re: Vacatur of January 18, 2011 Judgment of Default (Index No. 10035/2008)*

The Brooklyn Lyceum operated as a community performing arts venue for over a decade before a 2011 default judgment — obtained by bypassing known counsel, citing documents that don't exist, and granting relief not requested — ended that. I am seeking limited-scope appellate counsel to represent a Borrower-LLC in a planned CPLR 5704(a) motion to the 2nd Department to vacate it as a jurisdictional nullity.

THE PRIMARY JURISDICTIONAL VOID (CPLR 5704 BASIS): Under *Financial Services Vehicle Trust v. Dente*, 86 A.D.3d 532, the judgment is void ab initio because Plaintiff bypassed known, appearing counsel to obtain the default ex parte. This failure to serve counsel on the underlying motion is a fatal, non-waivable jurisdictional defect that divested the court of the power to enter the default.

THE SUPPORTING ADMINISTRATIVE NULLITIES:

Motion Fictions:

- The motion fails to cite any statute that authorizes the relief sought — Judgment of Foreclosure and Order of Reference.
- The motion filed on October 13, 2009 explicitly relies on a supporting affirmation dated October 26, 2009. The future evidence cited did not exist when the motion was filed. It still does not exist.

Judgment Fictions:

- The Judgment explicitly cites two October 26, 2009 supporting affirmations as its evidentiary basis that do not exist in the court's record or docket.
- The Judgment grants relief not requested — a Judgment of Default. The court is strictly limited to the relief requested in the notice of motion. Here, the court sua sponte granted relief (including substitution of a non-party stranger) not sought in the moving papers and for which no statutory authorization exists.

THE OPPORTUNITY: The 2011 Judgment is a legal "deepfake" derived from a fabricated record. I have a near-final 41-page Memorandum of Law ready for review and modification. This is a high-stakes restoration of property rights with a concrete opportunity for arts programming partnerships upon resolution.

I am looking for litigators to review the merits and provide representation for the Borrower-LLC. Ideally seeking counsel with connections to or affiliations with theater, music, dance, or arts schools. Compensation is negotiable.

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