

**FOR IMMEDIATE RELEASE**  
**After an Interminable Solo Journey Through Legal Hell,**  
**a Stolen Brooklyn Theater Gets Back Up Off the Mat—**  
**With Art, Argonauts, and One Impossible Legal Question**

**BROOKLYN, NY – February 17, 2026** — For nearly two decades, the Brooklyn Lyceum was a cultural heartbeat: a former bathhouse turned theater, café, and gathering place where Fiona Apple played, circus arts flourished, Charlie Brown danced, and espresso fueled conversations long into the night. Then, after years long wait for oral argument on appeal, followed by a bizarre decision, came a quick kick to the curb by the Court of Appeals, which refused to hear an appeal that wasn't from a final judgment. Seemingly, the end of the road.

But absent an answer that made sense, we pressed on. Years of subsequent research have shown that the door, seemingly slammed shut, was never really closed—if you knew where to look.

The Lyceum was taken, not by foreclosure, but by legal chicanery. The plaintiff's own attorney failed to serve notice on opposing counsel, our attorney. That one error, by law, makes the entire foreclosure void.

Now, the fight enters a new phase. The Lyceum's founder is launching [SubJudice.art](#), an itinerant arts series and community-governed trust born of this decades-long battle. But the mission goes beyond art.

"We're not just waiting for the courts," says Eric Richmond, founder of both the original 1994 Brooklyn Lyceum and the new initiative. "We're building something whether we get the building back or not. Artists submit work and earn votes. Advisors lend expertise. And if you're not an artist? You join the Argonauts... because due process matters."

**The Argonauts are the backup plan:** volunteers willing to verify a single factual question buried in a 2012 court docket. One docket listing. Two dates. Which came first? The answer could determine whether the Lyceum returns—or whether an arts trust rises in its place. As lawyers often say, it's a distinction without much of a difference.

"We're in search of the mythic due process," Richmond adds. "And we're inviting everyone along for the quest."

**The Legal Question at the Heart of It All**

At the center of the case is a foundational legal principle: if a motion is never served on opposing counsel, the court lacks jurisdiction to rule on it.

Under *Financial Services Vehicle Trust v. Law Offices of Dustin J. Dente* (2011)—binding on the Brooklyn Appellate Court—any judgment obtained without proper service is a nullity, no matter how much time has passed. It becomes a problem for the title insurance companies that did not review the docket, a public record, not a problem for the arts. From that decision:

**The plaintiff did not receive at least 13 days' notice, the minimum required for motions served by regular mail ( see CPLR 2103 [b] [2]; 2214 [b]). Absence of proper service of a motion is a sufficient and complete excuse for a default on a motion, and deprives the court of jurisdiction to entertain the motion ( see CPLR 5015 [a] ; *Zaidi v New York Bldg. Contrs., Ltd.*, 61 AD3d 747, 748; *Daulat v Helms Bros., Inc.*, 32 AD3d 410, 411; *Bianco v LiGreci*, 298 AD2d 482; *Welch v State of New York*, 261 AD2d 537, 538). Since the Supreme Court was deprived of jurisdiction to entertain the motion, the resulting order dated February 24, 2010, and the judgment entered upon that order were nullities**

The plaintiff's motion was never served on the Lyceum's attorney—a fact the plaintiff concealed from the court... but admitted later, when it was helpful. That error, among others, makes the foreclosure and subsequent sale void from the start.

A motion to vacate is being prepared, leading with the failure to serve but reinforced by other fatal issues, with just one nuance left to address. **We are actively seeking legal counsel to join this fight. If we cannot find someone willing to stand with us, we will file pro se—because the law does not require a lawyer to be right, only a willing party and a public record.** The outcome will determine whether the Lyceum returns or whether some of the damages fund an itinerant arts trust. Either way, the work continues.

### Three Ways to Join the Quest

- **Artists:** Submit plays, music, dance, or monologues at [SubJudice.art](http://SubJudice.art). Submissions earn votes in future production selections.
- **Advisors:** Legal, artistic, marketing, and governance experts are invited to lend their voices. Advisors receive voting power during their term.
- **Argonauts:** All can join the backup quest by verifying one docket date. That simple act earns a permanent vote in the arts trust upon legal victory.

**About [SubJudice.art](http://SubJudice.art):** a community-governed framework for art born of procedural injustice. Named for the legal term meaning "under judicial consideration," the project turns a courtroom battle into a creative call—and invites the public to help shape what comes next.

For more information, visit <https://subjudice.art> or join the Argonauts at [swaslu.com/argonauts](http://swaslu.com/argonauts). BlowByBlow: <https://subjudice.art/static/img/subjudice/SubJudiceBlowByBlow.pdf> .

Contact: Eric Richmond  
[subjudiceart@gmail.com](mailto:subjudiceart@gmail.com) / (646) 256-9613