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For more information:  
Kevin M. Cremin  
212-417-3759; kcremin@mfy.org

## **Seniors at Prospect Park Residence Win a Settlement That Meets Their Needs**

NEW YORK, NY, May 31, 2016--After a difficult, two-year battle to protect the courageous seniors at the Prospect Park Residence, their lawyers today have announced a settlement that will provide time and money, allowing them the opportunity and the means to relocate to appropriate housing.

Thanks to the efforts of The Legal Aid Society, MFY Legal Services and Fitzpatrick, Cella, Harper & Scinto and the support of New York City Council Member Brad Lander, the elderly residents were provided the protection of counsel and had their day in court.

“The Legal Aid Society is pleased that we were able to obtain a significant amount of time and a financial settlement for the brave elderly residents of Prospect Park Residence which will allow them to relocate to appropriate locations,” stated Judith Goldiner, the Attorney-in-Charge of the Civil Law Reform Unit of The Legal Aid Society and the lead attorney on the case. “However we continue to be disappointed that the State Department of Health’s weak regulations enable assisted living operators to close with essentially no notice to vulnerable elderly people. We will continue to pursue the legal claims against the Department of Health.”

The lawsuit was filed May 2, 2014 in State Supreme Court in Kings County to prevent the closing of the Prospect Park Residence, an assisted-living facility in Brooklyn which was home to 120 seniors at the time. Defendants in the lawsuit were Haysha Deitsch, the landlord, and the State Health Department, which accepted the landlord’s proposal to close the facility after he submitted a closing plan relinquishing a conditional assisted-living facility license. During the last two years, many residents moved out of the facility. However, for those who remained, services were drastically cut and the lawyers for the residents fought in court to protect the seniors. In fact, The Legal Aid Society, MFY Legal Services and Fitzpatrick Cella Harper & Scinto filed another lawsuit in April to prevent the eviction of the five remaining seniors.

"The courageous seniors of the Prospect Park Residence stood up for two long years in the face of avarice, and the residents of Park Slope were honored to stand with them time and again," said Council Member Lander. "We are glad they were able to win a settlement that meets their needs, and we are very grateful to their legal team of Legal Aid Society, MFY Legal Services, and Fitzpatrick, Cella, Harper & Scinto. It is deeply disappointing that the NYS Department of Health gave no support or protection to 130 elderly New Yorkers, whose health was put at risk by a developer who chose to willfully close this assisted living program and evict seniors without notice just to make a buck through condo-conversion. While today's settlement is a good one, New York needs better public policy to protect our seniors from greed."

"Our clients steadfastly refused to be rushed out of their home and into nursing homes," said Kevin M. Cremin of MFY Legal Services. "This settlement should make it clear to assisted living operators and to the Department of Health that the days of throwing residents out with impunity are coming to an end."

"We are honored to have worked with the Legal Aid Society's and MFY Legal Services' fine teams in representing these deserving seniors. It is gratifying that our efforts played a part in bringing about a resolution that provides some measure of justice for those in need," said Nicholas Cannella, a senior partner of Fitzpatrick and member of the Legal Aid Society's Board of Directors. "I'm proud of the dedication and skill my colleagues brought to this case."

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