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No jurisdiction to repair decay: Judge throws out lawsuit against falling-down Bayside Cemetery

BY JOHN MARZULLI
DAILY NEWS STAFF WRITER

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Maisel for News

Judge Dearie decision: All agree that Bayside Cemetery's state of decay and disrepair is disheartening and in need of prompt repair.

One of the oldest Jewish cemeteries in **New York City** will remain an eyesore and a disgrace to the memories of thousands buried there for the foreseeable future.

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A judge has tossed out a lawsuit filed against Bayside Cemetery in **Ozone Park** charging the operator with failing to maintain the perpetual care of the plots.

Federal Judge Raymond Dearie ruled there is no jurisdiction in federal court for the class-action suit, which was filed more than two years ago.

"As the court has noted from the outset of these proceedings, all agree that Bayside Cemetery's state of decay and disrepair is disheartening and in need of prompt repair," Dearie stated in his decision.

The court papers depict the cemetery - founded in the mid-19th century - as a worthy setting for a horror movie, with human remains exposed in desecrated crypts. The grounds are overgrown with weeds and brush, completely covering many tombstones, rendering paths impassible.

Michael Buchman, an attorney who is representing five descendants of Jews buried in the cemetery, filed a new lawsuit on Wednesday in **Manhattan Supreme Court** against Congregation Shaare Zedek, an upper West Side synagogue that owns and operates the cemetery.

"After two years of judicial delays, **Chief Judge Dearie** concocted a reason to dismiss the case from federal court," said plaintiff **John Lucker**, of **Connecticut**, whose grandparents purchased a burial plot there in the 1970s.

"In the meantime, Bayside Cemetery continues to be in a horrific, disgraceful condition and Congregation Shaare Zedek continues not to be held accountable," he said.

The lawyer for the cemetery operator did not respond to a request for comment on



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After the suit was originally filed, [Rabbi Julia Andelman](#) of Shaare Zedek told the Daily News that many of the burial societies that sold the plots have disappeared or stopped contributing to the upkeep of the grounds.

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