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Smoking

at home comes under fire.

Photo: GETTY IMAGES

## Smoking lawsuit moving forward

It may soon be tougher to light up at home.

A Manhattan Civil Court judge this week refused to dismiss a case against a tenant whose secondhand smoke allegedly is a nuisance to his neighbors in a luxury TriBeCa condo and causes health problems for their young daughter.

Christie and Brett Ewan sued Federico Maccherone in August for \$25,000 in damages. It could be a precedent-setting case. The condo allows smoking, but Judge Anil Singh noted that owners may not create "objectionable odors."

"It's an important declaration of the law," the Ewans' lawyer, Victoria Kennedy, said. "It puts smokers on notice."

Maccherone's lawyer, did not respond for comment.

More landlords are banning smoking. The Related Companies made newly-occupied apartments in some buildings smoke-free last month. Kenbar Management's condos at 1510 Lexington Ave. will open in January as the first new smoke-free building.

"It's the beginning of what's to come," Kenbar's Kinne Yon said. In their other two buildings, smokers "make the lives of people next to them, above them, below them miserable."

**AMY ZIMMER**

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