

~~DHCR Exh 26A~~

(contin. from
~~22 + 24~~)

THE CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

Relevant
Excerpts

-----X

IN THE MATTER OF:

GREGORY SCOTT,

Petitioner,

Vs.

HAMDI NEZAJ/
KOSOVA PROPERTIES,

Respondents.

Index No.:
6310/15
Control No.:
FTR 344/2016

-----X

March 11, 2016

HELD AT:

THE CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK
111 Centre Street
New York, NY 10013

- Really P. Saxe at
this point

BEFORE:

HONORABLE GONZALES,
Judge

APPEARANCES:

MR. GOLDSTEIN
Attorney for Respondent

(= Joly / Shepard
Nezaj)

MR. GREGORY SCOTT
Petitioner

MR. VAL MORETTI
Attorney for H-P

TRANSCRIBER:

LYNN M. REINHARDT

4:01

Moretti

Chain guard

Wrong. 161 had been painted (Dining room)

CRUCIAL

One issue

remaining

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MR. SCOTT: It appears on the second of two pages.

MR. GOLDSTEIN: Yeah we agreed that that's not yet done. 11052178. We agree it's not yet done and 11052161. That's why we made our motion.

* 11052161.

THE COURT: So you have two ^{open} violations?

MR. GOLDSTEIN: That's correct, Your Honor.

Obviously we need to clear them.

THE COURT: Okay. And can you get access for them to do that?

MR. SCOTT: So, Your Honor, I came to court.

We agreed that it would be the 25th and 26th of January. They showed up on the 25th, six of them, I believe. He gave me a hard time. I let, you know, I was there. I can show you my surgeon's report from four days before. I just had surgery, five figure surgery on my right elbow. I was not going anywhere right.

So they showed up, they painted the relevant part of the apartment. But they didn't do the chain guard. HPD contacted me later and said it was all the work done. And I would let them in for ten

minutes. Him especially, he's a great guy. Lucky great guy. Him, I would--I'm--

MR. MORETTI: [Interposing] Get to the point.

(This means the transcript jumps ahead)

5.5/1
Goldstein:

1 the date of the motion. But what happened was is
2 that the motion dated February 12th. What the Novak-

3
4 THE COURT: [Interposing] I'm sorry. So on
5 March 3rd you weren't here?

6 MR. GOLDSTEIN: I think my office mis-
7 calendared. That's why.

8 MR. SCOTT: Oh.

9 MR. GOLDSTEIN: And then we got this. I
10 made the motion but my office mis-calendared it.
11 And...

12 THE COURT: So how are we going to--

13 MR. GOLDSTEIN: [Interposing] So the denial
14 of access element that we're talking about is that
15 Mr. Scott was obligated to move stuff away from the
16 walls to create space for the workers to work. And
17 he did not do that. So in the living room, right?

18 MR. JOEY NEZAJ: Correct.

19 MR. GOLDSTEIN: In the living room. So we
20 still want to paint--one little violations that I
21 referenced, Your Honor.

22 THE COURT: Yeah but what I'm saying is you
23 want to restore--he came to court. You came to court
24 on--you brought him--

25 MR. MORETTI: [Interposing] Judge is talking

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Compensation for them
not appearing on 3/3/16. I won \$300
in small claims as result.

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to us.

THE COURT: Did you come to court on--

MR. MORETTI: [Interposing] Yes he did. Yes, he did, Your Honor.

MR. SCOTT: Yes.

THE COURT: And then nobody showed up?

MR. SCOTT: Correct, that's why I was able to go back down and start it again at the--

THE COURT: [Interposing] Okay. So then he brought a motion.

MR. GOLDSTEIN: Right.

THE COURT: So for that amount of effort, Mr.--what we're going to do. You have a--

MR. GOLDSTEIN: [Interposing] We--

THE COURT: --abatement, you want to give him some money?

MR. GOLDSTEIN: Give him some money?

THE COURT: Yeah give--a credit. Some kind of a rent credit for the amount of effort that he's been through.

MR. GOLDSTEIN: Oh of course no, no, Judge, absolutely not. But he's not letting our workers do the work

THE COURT: But he said on the 25th and on the 26th he was in the apartment.

1 MR. NEZAJ: No.

2 MR. GOLDSTEIN: [Interposing] No my--

3 THE COURT: [Interposing] He said he has
4 medical - - . Do you want me to hold a hearing on
5 that?

6 MR. GOLDSTEIN: He has--

7 MR. SCOTT: [Interposing] Can we go under
8 oath somewhere? I would love to go under oath.

9 THE COURT: He says he was recovering at
10 home.

11 MR. GOLDSTEIN: Okay.

12 THE COURT: From surgery.

13 MR. GOLDSTEIN: Okay.

14 THE COURT: And he let you in on the 25th.

15 MR. GOLDSTEIN: Right.

16 THE COURT: And he was waiting for you to
17 come back on the 26th to do the work. He is saying
18 that he was home. and you didn't come.

19 MR. NEZAJ: Allow me to speak. We came into
20 the apartment on the 25th.

21 THE COURT: Okay.

22 MR. NEZAJ: We finished--we were ready. We
23 had up to five people to do work. We finished
24 everything in the apartment aside from his bedroom
25 and the living room.

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1 THE COURT: I understand.

2 NO. * MR. NEZAJ: The living room, there's still a
3 violation.

4 MR. SCOTT: They were not to be painted.
5 They were not to be painted.

6 MR. MORETTI: Let him finish.

7 MR. NEZAJ: He didn't move the stuff. Not
8 allowing us to paint that day to finish the
9 apartment.

10 MR. GOLDSTEIN: We don't interrupt Mr.
11 Scott. We don't interrupt you. We didn't interrupt
12 you. So let my client speak.

13 MR. NEZAJ: We came back--

14 MR. GOLDSTEIN: Then you can speak.

15 * MR. NEZAJ: We came back the second day to
16 finish it. The items was still not finished. He
17 said you can finish it.

18 THE COURT: Well what is he talking about?

19 MR. GOLDSTEIN: He...

20 MR. SCOTT: The living room and the bedroom
21 were never to be painted. They're part of the Court
22 order. They're only half the apartment was to be
23 painted. They did it.

24 THE COURT: And as to the apartment.

25 MR. SCOTT: And they did it on the 25th.

8:12

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9:11

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MR. MORETTI: It's not the--

THE COURT: [Interposing] Show me where--what
are we talking about? Living room. Okay.

[Crosstalk]

MR. NEZAJ: 161, that's north. Second
violation.

THE COURT: So that's the--

MR. GOLDSTEIN: [Interposing] He says that
the dining room.

Mistake by transcriber. Actually is Mr. Moretti, MPD lawyer.

FALSE by Nezaj

MR. MORETTI: That's not the dining room.

Mistake by transcriber

MR. GOLDSTEIN: Oh they have controversy.

THE COURT: Huh?

MR. GOLDSTEIN: No the 11052161 is what
we're saying.

THE COURT: Okay. - - .

MR. GOLDSTEIN: I just I don't want--

MR. MORETTI: [Interposing] East at south.

THE COURT: Who is talking over me? Prepare
the--defective of plastic services and paint in
uniform color all walls and ceiling in the first
room from north located in apartment thir--okay.

What is the first room from north?

MR. SCOTT: You enter the hallway. And then
it's the dining room. The kitchen is to the right.
The living room is to the left.

Monetti

MR. NEJAZ: Dining room.

THE COURT: Dining room.

MR. SCOTT: Yeah.

THE COURT: Okay.

MR. GOLDSTEIN: But we don't know we enter--

how do we know where we're entering from? What is

the first room from the north?

THE COURT: Did they paint the dining room?

MR. SCOTT: Yes. They painted the--

MR. GOLDSTEIN: [Interposing] The hallway so

this--

THE COURT: [Interposing] Okay, that's the

end of that.

MR. SCOTT: Yeah.

THE COURT: The dining room is what you did.

MR. NEJAZ: No it's not. But it's not he dining room, he's saying that it's not the dining room.

MR. GOLDSTEIN: So you look at--

MR. NEJAZ: [Interposing] You look at a description of the apartment, it's not.

THE COURT: What is it?

MR. NEJAZ: They're talking about the living room.

MR. GOLDSTEIN: The viol--the first room

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1 ~~from north is the living room.~~ ← false

2 THE COURT: First room from north?

3 MR. NEZAJ: Yeah. ←

4 MR. GOLDSTEIN: Is the living room.

5 We're saying the living room.

6 MR. SCOTT: I will bring pictures, Your
7 Honor.

8 MR. GOLDSTEIN: It's not pictures. It's a
9 matter of--

10 [Crosstalk]

11 MR. NEZAJ: There are major cracks there.

12 [Crosstalk] It's a navigational tool.

13 THE COURT: When you move from north, that
14 means okay.

15 MR. NEJAZ: When they come back to...

16 THE COURT: So when you walk into your
17 apartment.

18 MR. SCOTT: That's the north entrance. We
19 have a--one front door from the north.

20 THE COURT: Right.

21 MR. SCOTT: It's the northern most point in
22 the apartment to the hallway. When you walk in to
23 that door, that is the northern most point.

24 THE COURT: Walking into apartment 3A right?

hallway.

THE COURT: Right.

MR. SCOTT: And then you walk into this dining room.

THE COURT: Right.

MR. SCOTT: Okay. That is further north than the living room which is off to the--

THE COURT: [Interposing] Is the first room from north located? So it's the first room. What the first room is you walk in from the--

MR. SCOTT: [Interposing] Does the hallway count as a room?

MR. NEZAJ: No, that's a different violation.

MR. SCOTT: Okay then it's the dining room.

MR. NEJAZ: It's not the dining room.

MR. SCOTT: It's very easily proven by photographs.

THE COURT: So when you walk in, you walk in and then the first room going straight ahead, going north.

MR. SCOTT: It's the dining room.

THE COURT: The dining room. So why are you saying it's the living room?

MR. GOLDSTEIN: But my client said the

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dining room is part of the hallway.

MR. NEZAJ: Yeah, it's not. Yes, it is.

THE COURT: Okay. Well maybe your client has to learn how to read--

MR. NEZAJ: [Interposing] Let me explain.

THE COURT: And maybe your client has--

MR. GOLDSTEIN: [Interposing] Judge, Judge, Judge.

MR. NEZAJ: Judge its living room is one room. Bedroom is two rooms. Second bedroom is three room. The kitchen is fourth room. That's a part of the hallway Judge. I just don't want--

MR. GOLDSTEIN: [Interposing] There's no - -

MR. NEZAJ: --we need to come back and leave that violation or give a new violation.

THE COURT: It doesn't make any sense.

MR. NEZAJ: It makes sense. Makes plenty of sense.

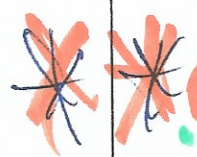
THE COURT: First room north--first--

MR. GOLDSTEIN: - - .

THE COURT: Doesn't make any sense to me. He's saying the first room north of the entrance is the dining room. That's it. The dining room.

MR. GOLDSTEIN: So he is saying you walk

??
10



Leaves off dining room + bathroom.

False

Gary ←

into the dining room? You walk into the apartment into the dining room?

THE COURT: And walk into the--

MR. SCOTT: [Interposing] Into the hallway.

THE COURT: --foyer and then the first--

MR. NEJAZ: [Interposing] That's a foyer.

THE COURT: --room that--

MR. GOLDSTEIN: [Interposing] Right.

MR. MORETTI: That's a foyer.

MR. GOLDSTEIN: Right, that's it.

THE COURT: Okay. Sir, you're wrong. The-- HPD has--

MR. GOLDSTEIN: [Interposing] Judge that's--

THE COURT: [Interposing] No I'm sorry.

~~Handwritten scribble~~

MR. GOLDSTEIN: Judge you know you can't,

Your Honor, I appear before you all the time Judge. And you know me but I think I--I don't think it's right to tell my client that a - - if, Your Honor, has never really been in the apartment or knows where geographic setup of the apartment. They know.

They're there all the time.

~~Handwritten scribble~~

So no mistake about the apt at issue

~~Handwritten scribble~~

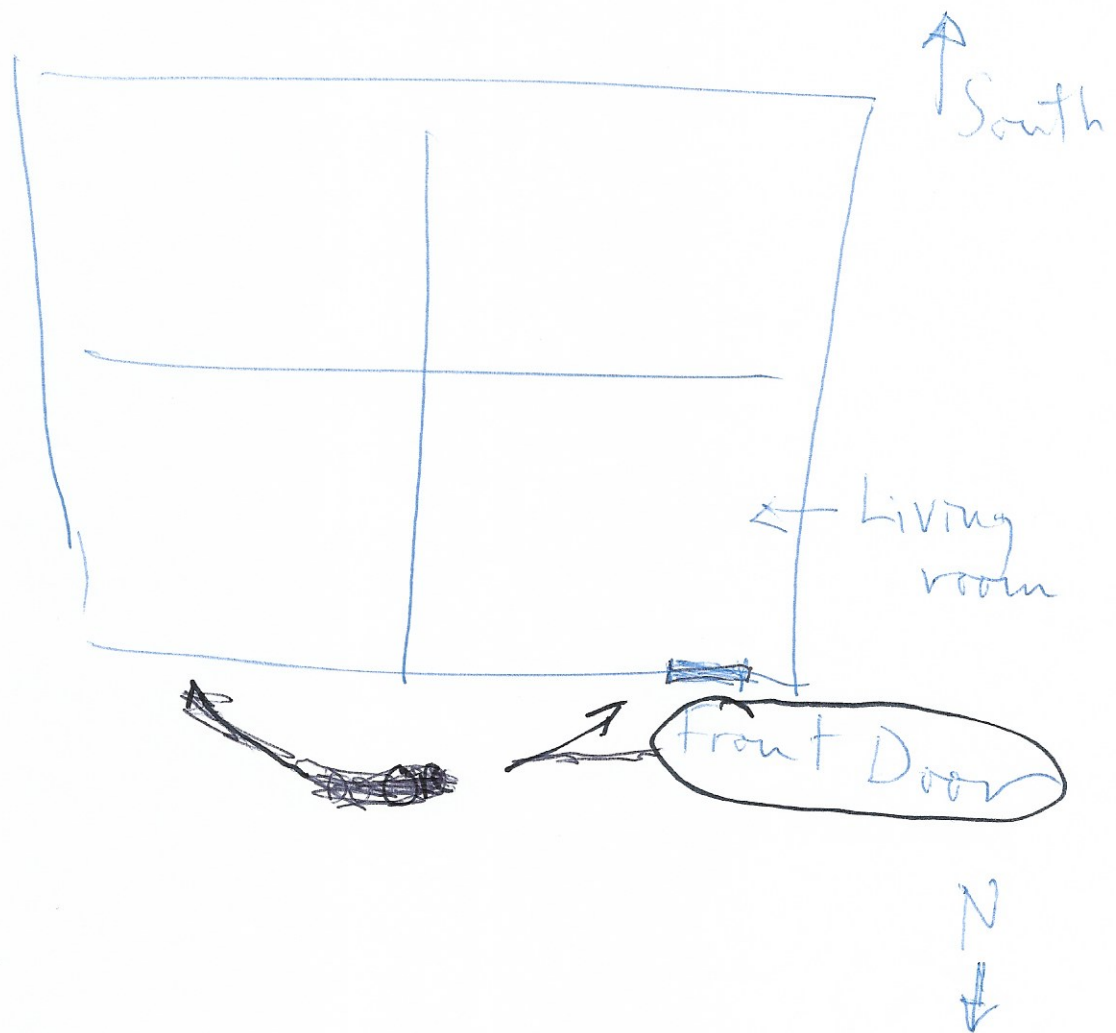
THE COURT: So show me the geographic setup of the apartment.

MR. NEZAJ: Give me a paper. Let me draw it out.

[Fabricated apt as a cube.]

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Joey's (= Shpend's) Drawing for Judge Saxe



False
No. 64 rooms
2 halls

*

THE COURT: Wow.

MR. NEZAJ: An architect too.

MR. NEZAJ: It's wrong. It's four rooms.

MR. MORETTI: Can the great room start as--
[Crosstalk]

THE COURT: How many rooms did you want to
paint when you came in?

*

MR. NEZAJ: We wanted--we were set up to
paint the whole thing.

THE COURT: Okay. Stop right there. How
many violations were there for painting?

HPD lawyer →

MR. MORETTI: About four or five.

THE COURT: How many?

MR. MORETTI: At least four, maybe five.

THE COURT: Okay. So for what rooms?

MR. MORETTI: Foyer, hallway, kitchen,
bathroom, and the--

mistake - no foyer listed

MR. NEZAJ: [Interposing] And the north room.

MR. GOLDSTEIN: --mystery room.

MR. NEZAJ: So yeah just...

THE COURT: Foyer. There's a foyer
violation?

But corrected on next page

MR. MORETTI: Yes, Your Honor.

THE COURT: Go ahead, what else?

MR. MORETTI: There is others. The first

YES!

room for the north violation, kitchen violation, a bathroom violation.

THE COURT: Kitchen, bathroom.

MR. MORETTI: First room from north.

THE COURT: First room from north.

MR. MORETTI: Private hallway. And that's it.

THE COURT: Okay. Foyer--

MR. MORETTI: [Interposing] Five.

THE COURT: --kitchen, bathroom, first--all right. And what'd you say, I'm sorry?

MR. MORETTI: Private hall.

THE COURT: Okay. Okay, so how many-- describe your apartment.

MR. MORETTI: [Background Noise].

THE COURT: Describe your apartment. Describe your apartment. Is it--

MR. SCOTT: [Interposing] So it's--

THE COURT: [Interposing] There's a foyer in your apartment?

MR. GOLDSTEIN: Label north. Where is north?

MR. SCOTT: I'm - - .

MR. MORETTI: When you first enter the building.

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MR. SCOTT: It's a hallway. I open the door.

THE COURT: That's that foyer.

MR. SCOTT: It's an entrance.

THE COURT: Is there a kitchen in your apartment?

MR. SCOTT: Yes.

THE COURT: Okay. Is there a bathroom in your apartment?

MR. SCOTT: Yes.

THE COURT: Is there a private hallway in your apartment?

MR. SCOTT: The second private hallway.

THE COURT: Okay. Now what is the room as you walk in, what's the first one, is there a dining room?

MR. SCOTT: It's a dining room.

THE COURT: How many bedrooms are there?

MR. SCOTT: Two.

THE COURT: Okay. So were they doing the bedrooms--

MR. SCOTT: [Interposing] Only the small one because I tried to get it done in September. They never answered for three months.

THE COURT: But it's not on the list here.

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MR. SCOTT: No.

MR. MORETTI: No.

THE COURT: Okay.

MR. SCOTT: Only one bedroom was on the list.

THE COURT: Okay. So counsel, so counsel, so they were supposed to go on the 25th, what did they paint?

MR. SCOTT: What they were supposed to.

THE COURT: Tell me what they painted.

MR. SCOTT: They painted the hallways you enter. The dining room. The kitchen. The second hallway, the small bedroom on the right and the bathroom. They did not paint the master bedroom or the living room because that was not asked for.

MR. MORETTI: It is not on the report.

THE COURT: Okay. It's not on the report.

MR. MORETTI: No.

THE COURT: So that's it. That's it.

MR. NEZAJ: I just wanted to show you where the north room is.

MR. NEZAJ: That's the--

THE COURT: [Interposing] Yes.

MR. NEZAJ: --we've owned the building for 40 years.

THE COURT: Okay. That's the north room.

It's not a bedroom. It would be the--

MR. NEZAJ: [Interposing] It's a living room.

It's a living room.

MR. SCOTT: Can I see that, Your Honor?

MR. GOLDSTEIN: Where there are major cracks that weren't done because we were supposed to do it in the spring.

THE COURT: Okay. The living room is not on the violation report.

MR. GOLDSTEIN: It's the first room from the north. That's the first--

MR. GOLDSTEIN: [Interposing] That's the first room from the north.

THE COURT: That's the dining room. Where is the dining room?

MR. NEJAZ: It's connected with the--

THE COURT: [Interposing] Show me.

MR. SCOTT: Oh this is completely ridiculous.

MR. NEZAJ: It's not ridiculous.

MR. SCOTT: This is utterly ridiculous. So this is much--this is very large here, Your Honor. The entrance into the living room is like an Arabian arch. I'm sorry. It's like an Arabian arch from the

FALSE

*

[Nezaj's drawing]

FALSE

*

Correct

*

(not counting entrance hall)

FALSE

*

big dining room. This dining room actually extends all the way to here. This dining room here.

THE COURT: That is a dining room, it's a bedroom.

MR. SCOTT: That's his drawing.

THE COURT: Oh.

MR. SCOTT: I can show you photographs.

THE COURT: It's the dining room.

MR. SCOTT: I can show you photographs, Your Honor.

THE COURT: So this is the dining room?

MR. SCOTT: All this argumentation I can simply show you arguments--

THE COURT: [Interposing] Let me -- if it's in the apartment.

MR. SCOTT: --too.

THE COURT: So where is the other bedroom?

MR. SCOTT: Here, this is what it really closer to what it looks like. And I can pull up on my computer and show you the photographs, Your Honor. That'll settle it right away.

THE COURT: [Background Noise]. You're going to do this. This is just too ridiculous. I'm sorry. You say it's all been done or not?

MR. SCOTT: The painting has all been done.

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1 MR. SCOTT: The painting has all been done.

2 MR. MORETTI: He's really worried about this
3 key. He needs the keys.

4 MR. SCOTT: The key.

5 MR. GOLDSTEIN: There is no violation for a
6 key.

7 THE COURT: What's the key?

8 MR. SCOTT: Yeah so--

9 MR. NEZAJ: [Interposing] Well there is a
10 violation for key lock.

11 THE COURT: Yeah there is a violation.

12 X MR. SCOTT: So no furniture needs to be
13 moved 'cause it's just a place to put in a chain
14 guard, Your Honor.

15 MR. MORETTI: Provide a lock and key.

16 MR. GOLDSTEIN: Of the dwelling unit.

17 MR. MORETTI: Yeah.

18 MR. GOLDSTEIN: The dwelling unit, he wants
19 to keep it in front of the building.

20 MR. SCOTT: That's a second matter. That's
21 the third key.

22 MR. MORETTI: It's not part of this case.

23 MR. NEZAJ: Chain guard.

24 MR. SCOTT: No it is, it is.

25 MR. GOLDSTEIN: Chain guard, it's not a key.

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1 It's not a key to the building.

2 THE COURT: I'm getting a little confused
3 because I can't--

4 MR. GOLDSTEIN: [Interposing] This is all
5 about--

6 MR. MORETTI: [Interposing] Just go back,
7 Your Honor.

8 THE COURT: Let's go back. You want to see
9 if you can settle this?

10 MR. MORETTI: Did they come to the--did they
11 come out?

12 MR. SCOTT: But, Your Honor, there is
13 perjury involved. I'm not settling for perjury.

14 MR. MORETTI: You go to a different court.

15 THE COURT: Yeah I don't decide perjury.

16 MR. SCOTT: Right, who decides perjury? Can
17 we go to court for that?

18 MR. MORETTI: The district attorney.

19 MR. SCOTT: Okay.

20 MR. MORETTI: Moving on.

21 [END OF HEARING]

Go
to
DA

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