

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

-----X

IN THE MATTER OF:

GREGORY SCOTT,

Petitioner,

Vs.

HAMDJ NEZAJ/
KOSOVA PROPERTIES,

Respondents.

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

-----X

March 31, 2016

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

BEFORE: HONORABLE GONZALES,
Judge

APPEARANCES: MR. GOLDSTEIN
Attorney for Respondent

MR. GREGORY SCOTT
Petitioner

MR. MORETTI
Attorney for HPD

TRANSCRIBER: LYNN M. REINHARDT

INDEX

W I T N E S S E S

<u>PETITIONER:</u>			RE	RE	V.	
<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>D.</u>	<u>J</u>

<u>RESPONDENT:</u>			RE	RE	V.	
<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>D.</u>	<u>J</u>

E X H I B I T S

<u>PETITIONER:</u>			
<u>IDENTIFICATION</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>

<u>RESPONDENT:</u>			
<u>IDENTIFICATION</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>

1 THE COURT: What the violations have been
2 collected?

3 MR. GOLDSTEIN: In the H-P case.

4 THE COURT: In the H-P case.

5 MR. GOLDSTEIN: Mr. Scott, Dr. Scott has
6 denied my client access on--we stipulated on March
7 14th to fix the chain guard on the door. Petitioner
8 denied the landlord access on the 14th. Even though
9 we were not obligated to go on the 15th, we went
10 again on the 15th. Access again was denied.
11 According to my client he was before, Your Honor, the
12 petitioner--my client heard footsteps or something
13 behind the door on the 14th, the stipulated date and
14 they knocked and nobody let them in.

15 THE COURT: So Mr. Scott, are you willing to
16 consent to further access date?

17 MR. SCOTT: May I--

18 MR. MORETTI: [Interposing] Your Honor, can
19 we tell you the--it was a very, very different than
20 usual. Since I live like one block away from this
21 building, I volunteered to go on the hour--on
22 Saturday morning, Saturday morning. I would be like
23 a witness to see whether access is given.

24 THE COURT: You sure?

25 MR. MORETTI: Yeah that's fine.

1 THE COURT: That's very nice.

2 MR. MORETTI: Yeah so I'll do that.

3 THE COURT: That's very--

4 MR. GOLDSTEIN: [Interposing] I just want to
5 reserve my claim for costs because I don't think I
6 should have made this motion after the petitioner
7 stipulated to give us access and then denied us.

8 THE COURT: So how do you feel about that?

9 MR. SCOTT: So may we...

10 THE COURT: How do you feel about that?

11 MR. SCOTT: So I don't want to settle any of
12 this. I'm being pushed to accept something when they
13 perjured themselves--

14 THE COURT: [Interposing] How do you feel
15 about Mr. Moretti--

16 MR. SCOTT: I'm happy to have him come have
17 the chain guard installed. But they have perjured
18 themselves twice.

19 THE COURT: Okay sir.

20 MR. SCOTT: They have lied.

21 THE COURT: Sir, I'm just talking about the--
22 -for the purposes of access, are you willing to have
23 the repair done on Saturday with Mr. Moretti being
24 there to oversee it?

25 MR. SCOTT: If I'm not giving up the claim

Ubiquis

61 Broadway – Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

1 for perjuries, two perjuries and them not coming--

2 THE COURT: [Interposing] So perjury is a
3 criminal offense that you would have to have defined
4 first of all through a trial.

5 MR. SCOTT: Okay.

6 THE COURT: The--okay. And to tell you the
7 truth, I'm not going to do that. I'm not going to go
8 through a trial just so you get perjury claim over to
9 criminal court. I'm not doing it. Okay? So if
10 there is a dispute and it's a conflict and it can't
11 be resolved, I will have to have a trial.

12 [Background Noise].

13 MR. SCOTT: You were here--I can show you--

14 THE COURT: [Interposing] I'm just--

15 MR. SCOTT: May I show you the picture and
16 why they perjured themselves?

17 THE COURT: So H-P--I would appreciate it if
18 you stop using the word perjury because they could
19 call you names too. I don't really want to get into
20 that. That's not helping me solve the case. I have
21 no trouble having a trial on the case. Sir?

22 THE CLERK: Quiet down.

23 THE COURT: Sir?

24 MR. SCOTT: I'm listening.

25 THE COURT: No you're not listening. You're

Ubiquis

1 moving your things. All right. So I'm going to tell
2 you the [Background Noise] like that in the context
3 of this conference. If you want to have a trial, we
4 can set it down for trial.

5 MR. SCOTT: I will.

6 THE COURT: But I'm--so you're rejecting the
7 offer to have the repair done on Saturday is that
8 correct?

9 MR. SCOTT: No I would happily do that as
10 long as I don't give up the right to--

11 THE COURT: [Interposing] Sir, at the end of
12 the case on the H-P case. That would be ending the
13 case.

14 MR. SCOTT: So...

15 THE COURT: It would be over.

16 MR. SCOTT: So the perjury hasn't--so this
17 Court doesn't mind if people perjure themselves?

18 MR. GOLDSTEIN: Your Honor, this is just an
19 indication of the kind of climate that Mr. Scott
20 creates.

21 THE COURT: We'll have a [Background Noise].
22 Do you have your answer in here?

23 MR. GOLDSTEIN: For the H-P case? The H-P
24 case has been settled. The only thing that's the H-
25 P--

1 THE COURT: [Interposing] - - .

2 MR. GOLDSTEIN: The H-P case has been
3 settled.

4 MR. MORETTI: Oh the only thing we tried is
5 a motion, whether there was access or not on the date
6 of the 14th.

7 MR. GOLDSTEIN: The H-P case has been
8 previously settled by virtue of consent order. Mr.
9 Scott violated the consent order by failing to give
10 us access. We made a motion to restore. We failed
11 to appear on the motion to restore because we mis-
12 calendared it.

13 THE COURT: Right.

14 MR. GOLDSTEIN: The gentleman brought it
15 back by order to show cause anyway. The order to
16 show cause was then resolved with another stip. This
17 other stip was violated and I made another motion to
18 restore and that's before the Court now. So before
19 the court now is my motion to restore to get access
20 because the gentleman--

21 THE COURT: [Interposing] So it's not over.

22 MR. GOLDSTEIN: We're past the point of
23 where--most of the work was done. The only thing
24 that's left outstanding is the chain door lock.

25 THE COURT: But you haven't had--you're

Ubiquis

61 Broadway – Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

1 saying that you want it restored from [Background
2 Noise] and he hasn't given that access?

3 MR. GOLDSTEIN: Right.

4 MR. MORETTI: Yes.

5 THE COURT: Well the case isn't over. There
6 is a motion.

7 MR. GOLDSTEIN: Right.

8 MR. MORETTI: Yes.

9 THE COURT: And this cannot be settled
10 because Mr. [Background Noise] has graciously agreed
11 to go and have that issue resolved. Mr. Scott has
12 refused to cooperate. So I have to, I guess, set it
13 down for a hearing because it's a factual
14 determination.

15 MR. GOLDSTEIN: NO problem.

16 THE COURT: As to whether or not he's giving
17 access.

18 MR. GOLDSTEIN: But again just so the Court--

19 THE COURT: [Interposing] But just so that--

20 MR. GOLDSTEIN: --I just so that the court
21 can see this is the kind of climate, this is the kind
22 of condition that Mr. Scott is creating by being
23 obstructive, by being confrontational, by being
24 combative. Your Honor, the little minor
25 demonstration.

1 THE COURT: Yes, so--

2 MR. GOLDSTEIN: [Interposing] Not as a - - .

3 THE COURT: So okay. Shh. Everyone please-

4 -

5 THE CLERK: [Interposing] Quiet down.

6 THE COURT: So this motion is I just want to
7 make sure I have the motion. So this motion is
8 [Background Noise]. Did a motion dated March 15th,
9 is it opposed by you Mr. Scott? Is that something
10 to--

11 MR. SCOTT: Is that the one where he signs
12 in the threat of perjury that I do not access.

13 THE COURT: Okay. Here we go again.

14 MR. MORETTI: No it's not. No it's not.
15 The answer is simple. It's March. See that's the
16 last one.

17 MR. SCOTT: I can't see that.

18 MR. MORETTI: That's February. March is a,
19 you know.

20 MR. SCOTT: I have the same one for March if
21 you give me two seconds, I'll show you the affidavit
22 and they're calling me a liar and I was there the
23 whole time.

24 MR. GOLDSTEIN: I said good morning to Mr.
25 Scott this morning and he ignored me like I'm some

Ubiquis

1 kind of enemy. He's just not...

2 THE COURT: Okay. So we have here. I just
3 want to know what--

4 [Crosstalk]

5 THE COURT: Mr. Scott?

6 MR. SCOTT: Yes.

7 THE COURT: There is a motion that was made
8 by this [Background Noise].

9 MR. SCOTT: I can't see that, Your Honor.

10 THE COURT: Okay.

11 MR. SCOTT: He did two of them.

12 MR. MORETTI: Yes.

13 MR. GOLDSTEIN: Yes.

14 THE COURT: Isn't the last one--

15 MR. MORETTI: Yeah the last one.

16 MR. GOLDSTEIN: That was dated March 15th.

17 THE COURT: No thank you. Thank you.

18 MR. SCOTT: Right.

19 THE COURT: Do you have written opposition
20 to this condition?

21 MR. MORETTI: No.

22 THE COURT: You have a written opposition--

23 MR. MORETTI: [Interposing] No, Your Honor.

24 MR. SCOTT: What do you mean by that?

25 MR. MORETTI: No he does not. Does not.

Ubiquis

1 MR. GOLDSTEIN: I have never received any
2 Judge.

3 THE COURT: Do you want to do--do you want
4 to do want to write something to tell me why you
5 don't want to agree with his request?

6 MR. SCOTT: Yes.

7 THE COURT: Yeah okay. So how many days do
8 you need to do that?

9 MR. SCOTT: Well I'm getting an attorney
10 from this point on.

11 MR. GOLDSTEIN: Okay.

12 MR. SCOTT: Okay.

13 THE COURT: How many days? I still have to
14 mark this. Give you two weeks.

15 MR. SCOTT: This is part of--

16 THE COURT: [Interposing] Do you need two
17 weeks?

18 MR. MORETTI: Sir, the question is still
19 simple.

20 MR. SCOTT: At least. I mean, I'm
21 travelling for IBM to go on business to Spain so I
22 need at least two weeks. I won't be able to do it
23 until May.

24 MR. GOLDSTEIN: Your Honor, the only thing
25 is that there is one outstanding violation. My

1 client is trying to - - is that--

2 THE COURT: [Interposing] I'm not giving you
3 until then.

4 MR. GOLDSTEIN: My client's time to cure the
5 violation.

6 THE COURT: Sir, you're in litigation here.
7 You're accusing them of criminal conduct. And then
8 I'm not putting it over to May. If you want to get
9 an attorney that's wonderful. But [crosstalk]. As
10 soon as I grade news and I'm going to give you two
11 weeks to come back to court on the return date. You
12 have your client reply to papers or opposition papers
13 to this motion. [Background Noise]?

14 MR. GOLDSTEIN: No, Your Honor, if just I'm
15 okay, if, Your Honor, is opposed to putting it into
16 May, then I understand the court's position. I abide.
17 My office is a little bit of a scheduling issue going
18 on in April. So I'm actually okay with May. But I
19 would also like the Court to toll the time with them
20 which my client has to fight the violation because
21 then it's the time to correct it expires in a couple
22 of weeks. And--

23 MR. JOEY NEZAJ: [Interposing] No, a couple
24 days.

25 MR. GOLDSTEIN: Couple days. And I mean we

Ubiquis

61 Broadway – Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

1 are telling, Your Honor, that many good faith efforts
2 have been made. In fact, most of the violations have
3 been corrected. Except for that one.

4 MR. GOLDSTEIN: You're okay with that?

5 MR. NEZAJ: Right.

6 MR. GOLDSTEIN: As long as HPD doesn't--now
7 you're okay with that?

8 MR. MORETTI: Yes, yeah.

9 MR. GOLDSTEIN: Yeah.

10 [Crosstalk]

11 THE COURT: So the motion is adjourned to
12 give me a date in May.

13 MR. GOLDSTEIN: The court's--it has got to
14 be a Thursday or a--

15 THE COURT: [Interposing] Yes, Tuesday or
16 Thursday.

17 MR. GOLDSTEIN: Tuesdays or Thursdays.

18 THE COURT: Or Friday morning.

19 MR. GOLDSTEIN: Okay. I would ask for a
20 Tuesday but I'll accept whatever. Whatever the
21 parties, whatever the gentleman, Your Honor, is okay
22 with.

23 THE COURT: What about 2:15 on Tuesday?

24 MR. SCOTT: On the 17th?

25 THE COURT: How about May--

Ubiquis

1 MR. MORETTI: [Interposing] 17th?

2 MR. SCOTT: 17th?

3 THE COURT: Mm-hm. Okay. May 17th at I'm
4 going to make this at 2:15.

5 MR. MORETTI: Yes, Your Honor.

6 MR. GOLDSTEIN: May 17th?

7 MR. SCOTT: 2:15 in the afternoon?

8 THE COURT: Yes.

9 MR. MORETTI: Okay.

10 THE COURT: And I think it's going to give
11 us enough time.

12 MR. GOLDSTEIN: Should we put the harassment
13 claim on?

14 THE COURT: And the - - violation. And it
15 be for a period to--

16 MR. GOLDSTEIN: [Interposing] Thank you
17 Judge.

18 THE COURT: It's here the violation.

19 MR. GOLDSTEIN: It's an A violation right
20 Judge?

21 MR. NEZAJ: It is yeah.

22 MR. GOLDSTEIN: It's an A violation for--
23 well--

24 THE COURT: [Interposing] It is too.

25 MR. GOLDSTEIN: Thank you, Your Honor.

Ubiquis

1 THE COURT: Okay. All right. So I don't
2 know. Yes.

3 [Crosstalk]

4 THE COURT: And so do the harassment adjourn
5 the harassment to that after--

6 MR. GOLDSTEIN: [Interposing] That's if--
7 that's perfect. I'll put in an answer Judge.

8 THE COURT: Okay. And then told until a
9 decision is rendered on the instant motion.

10 MR. GOLDSTEIN: Thank you.

11 MR. MORETTI: [Background Noise] does he have
12 to submit his answer by--mail his answer by a
13 certain?

14 THE COURT: The opposition?

15 MR. MORETTI: Yeah.

16 THE COURT: You can bring it in on May 17th.

17 MR. MORETTI: Very good.

18 MR. GOLDSTEIN: Can I bring my answer on May
19 17th also?

20 THE COURT: Oh you didn't put in an answer
21 in yet?

22 MR. GOLDSTEIN: Not to the harassment claim.

23 THE COURT: To the rest of, okay. Well then
24 it's a different one. But okay. So--

25 MR. GOLDSTEIN: [Interposing] Well whatever,

Ubiquis

1 Your Honor, wants us to do.

2 THE COURT: Well do you want to--let's see.
3 So the answer you'll need an answer in this case.

4 MR. GOLDSTEIN: Only in the harassment case.

5 THE COURT: Okay.

6 MR. GOLDSTEIN: Yeah.

7 THE COURT: All right. And the harassment
8 was also adjourned for to May 17th at 2:15 p.m. and
9 answer to be interposed by let me do this by--well 20
10 days.

11 MR. GOLDSTEIN: And can I have till April
12 30th?

13 THE COURT: Sir, from this lawyer, two
14 things are going to happen. You're going to get an
15 answer to the harassment claim.

16 MR. MORETTI: Mm-hm.

17 THE COURT: And the attorney by April 30th,
18 you're going to come back to court on May 17th in
19 both cases.

20 MR. MORETTI: Okay.

21 THE COURT: And on the H-P case, the one
22 about the problem with the access date you're going
23 to have a lawyer put opposition to--'cause you can
24 write your opposition on your--by yourself. And
25 bring it in on the 17th as well. See you then.

1

MR. MORETTI: Thank you, Your Honor.

2

[END OF HEARING]

Ubiquis

61 Broadway – Suite 1400, New York, NY 10006
Phone: 212-346-6666 * Fax: 888-412-3655

C E R T I F I C A T E

I, Lynn M. Reinhardt, certify that the foregoing transcript of proceedings in the Civil Court of the City of New York, County of New York, in the matter of Gregory Scott v. Hamdi Nezaj/Kosova Properties, Index No. 6310/15, Control No. FTR 344/2016, was prepared using the required transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature: Lynn M. Reinhardt

Dated: May 2, 2016