

-Proceedings-

SUPREME COURT OF THE STATE OF NEW YORK.
COUNTY OF NEW YORK - CIVIL TERM - PART 34

-----X

GREGORY SCOTT,

Plaintiff,

-against-

KOSOVA PROPERTIES, INC., HAMDI NEZAJ
SHPEND NEZAJ, AND LAZER PLUNAJ,

Defendants.

-----X

Index # 155225/2016 JURY TRIAL
60 Centre Street
New York, New York 10007

March 6, 2025

B E F O R E:

HONORABLE DAKOTA D. RAMSEUR,
Supreme Court Justice.

A P P E A R A N C E S:

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DEBORAH A. ROTHROCK, RPR
Official Court Reporter

DEBORAH A. ROTHROCK - OFFICIAL COURT REPORTER

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1 (Jury deliberations continued.)

2 THE COURT: Good morning.

3 So this is our second day of trial. The jury has
4 continued deliberation.

5 We have second jury note which reads as follows:

6 "We would like the transcript of Joey's testimony
7 in the trial and cross-examination;

8 We would like the transcript of Hamdi's
9 cross-examination;

10 We would like Exhibit 1."

11 After conferring to the attorneys, we agree the
12 jury receives Exhibit 1, no problem;

13 With respect to the jury's request, it is not
14 protocol to give the jury the transcript so I am asking the
15 parties, the attorneys, to consent to their request and if
16 they don't consent, we'll follow protocol and we will bring
17 the jurors down and we'll read the transcripts, period.

18 So, again, I'm asking on the record:

19 "Do I have the consent of the parties to follow
20 their request and give them the transcript of Joey and
21 Hamdi's testimony so that they could have that in the jury
22 room for the deliberations; and if I don't have your
23 consent, I will send the Court Officer upstairs with the
24 Exhibit 1, as requested, that we agreed upon, and to let
25 them know that they can not have the transcripts."

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1 MR. BASIL: For the Plaintiff, we consent to all
2 requests.

3 THE COURT: Thank you.

4 MR. COOKSON: For the defense, it is my
5 understanding that the jury does not want the option of a
6 read back and wants the transcripts and so I will consent to
7 allow the transcripts, because I think it is important that
8 they get the testimony.

9 So I do consent.

10 THE COURT: Madam, reporter, do you have those
11 transcripts that we could give to the officer to bring to
12 the jury?

13 THE REPORTER: Yes.

14 (Pausing.)

15 (Whereupon, Jury Note #2 is so marked as Court's
16 Exhibit III in evidence.)

17 (Jury continues deliberation.)

18 THE COURT: We'll bring the jury in, they have a
19 verdict.

20 Thank you. I really appreciate it, you all did a
21 great job with your respective clients. I'm happy they come
22 back and it is not mistrial. This ended up being a trial to
23 completion, that is all that we can ask for.

24 MR. BASIL: Yes.

25 MR. BASIL: Yes.

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1 MR. COOKSON: Yes, your Honor.

2 THE COURT: Thank you.

3 THE COURT OFFICER: Jury entering.

4 (Whereupon, the jury enters the courtroom and the
5 following is heard inside the hearing and presence of the
6 jury.)

7 THE COURT: Good morning.

8 THE CLERK: Will the jury foreperson please rise.

9 THE CLERK: Does the jury have a verdict.

10 THE FOREPERSON: Yes.

11 THE CLERK: As to question number one:

12 Do you find that Gregory Scott was arrested by the
13 New York City Police Department on or about September 16th,
14 2015, for breaking a window at the premises located at 83
15 Park Terrace West and taken into custody to the New York
16 City Police Station?

17 THE FOREPERSON: Yes.

18 THE CLERK: As to question two:

19 Do you find that on September 16, 2015, Lazer
20 Plunaj intentionally and without right to do so instigated
21 or directed the arrest of Gregory Scott made by a police
22 officer, Lazer Plumaj took active role in Gregory Scott's
23 arrest and the arrest was not of the officer's own volition
24 but to carry out Lazer Plunaj's requests?

25 THE FOREPERSON: Yes.

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1 THE CLERK: As to question three:

2 Do you find that Lazer Plunaj was acting within the
3 scope of his employment with Kosova Properties, Inc. when he
4 intentionally and without the right to do so, instigated or
5 directed the arrest of Gregory Scott?

6 THE FOREPERSON: No.

7 THE CLERK: As to question four:

8 Do you find that on September 16, 2015, Shpend
9 Nezaj intentionally and without the right to do so,
10 instigated or directed the arrest of Gregory Scott made by a
11 police officer, Shpend Nezaj took an active role in Gregory
12 Scott's arrest and the arrest was not of the police
13 officer's own volition but to carry out Shpend Nezaj's
14 requests?

15 THE FOREPERSON: No.

16 THE CLERK: As to question six:

17 Do you find that on September 16, 2015, Hamdi Nezaj
18 intentionally and without the right to do so, instigated or
19 directed the arrest of Gregory Scott made by a police
20 officer, Hamdi Nezaj took an active role in Gregory Scott's
21 arrest, and the arrest was not of the police officer's own
22 volition but to carrying out Shpend Nezaj's request?

23 THE FOREPERSON: No.

24 THE CLERK: Okay. Next section. Malicious
25 Prosecution.

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1 Question number one:

2 Do you find Lazer Plunaj initiated the criminal
3 prosecution of Gregory Scott for Criminal Mischief in the
4 Fourth Degree by affirmatively inducing the police to arrest
5 Gregory Scott by procuring and taking an active part in the
6 arrest or showing an active, officious, and undo zeal, to
7 the point where the officer is not acting of his own or her
8 volition?

9 THE FOREPERSON: No.

10 THE CLERK: As to question five:

11 Do you find Shpend Nezaj initiated the criminal
12 prosecution of Gregory Scott for Criminal Mischief in the
13 Fourth Degree by affirmatively inducing the police to arrest
14 Gregory Scott by procuring and taking an active part in the
15 arrest or showing active, officious, and undo zeal, to the
16 point where the officer is not acting of his own or her
17 volition?

18 THE FOREPERSON: No.

19 THE CLERK: As to question six:

20 Do you find Shpend Nezaj initiated the criminal
21 prosecution of Gregory Scott for the Criminal Mischief in
22 the Fourth Degree by persuading Lazer Plunaj to initiate the
23 criminal prosecution of Gregory Scott for Criminal Mischief
24 in the Fourth Degree and that without Shpend Nezaj's
25 persuasion Lazer Plunaj would not be made the criminal

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1 complaint against Gregory Scott?

2 THE FOREPERSON: No.

3 THE CLERK: As to question ten:

4 Do you find Hamdi Nezaj initiated the criminal
5 prosecution of Gregory Scott for Criminal Mischief in the
6 Fourth Degree by affirmatively inducing the police to arrest
7 Gregory Scott by procuring and taking an active part in the
8 arrest or showing active, officious, and undo zeal, to the
9 point where the officer is not acting of his own or her
10 volition?

11 THE FOREPERSON: No.

12 THE CLERK: As to question 11:

13 Do you find that Hamdi Nezaj initiated the criminal
14 prosecution of Gregory Scott for the Criminal Mischief in
15 the Fourth Degree by persuading Lazer Plunaj to initiate the
16 criminal prosecution of Gregory Scott for Criminal Mischief
17 in the Fourth Degree and that without Hamdi Nezaj's
18 persuasion Lazer Plunaj would not be made the criminal
19 complaint against Gregory Scott?

20 THE FOREPERSON: No.

21 THE COURT CLERK: Next, Negligent Hiring and
22 Supervision.

23 As to question one:

24 Did Kosova Properties, Inc. employ Lazer Plumaj on
25 or before September 16th, 2015, have a disposition to lie?

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1 THE FOREPERSON: No.

2 THE CLERK: As to question six:

3 Did Kosova Properties, Inc.'s employee Shpend Neza
4 have a disposition to lie before September 16, 2024?

5 THE FOREPERSON: No.

6 THE CLERK: Damages, last section.

7 Question number one:

8 To the extent that you find that any of the
9 Defendants have committed false arrest, malicious
10 prosecution, and/or negligent hiring and supervision, has
11 Gregory Scott suffered any damages that were reasonably and
12 proximately caused by the Defendants' conduct under those
13 causes of action?

14 THE FOREPERSON: Yes.

15 THE CLERK: Was it unanimous?

16 THE FOREPERSON: Yes.

17 THE CLERK: As to question two:

18 State what sum of money will fairly and reasonable
19 compensate Gregory Scott for the damages he suffered?

20 THE FOREPERSON: \$4,500.

21 THE CLERK: As to question number three:

22 If you find any of the Defendants have committed
23 false arrest and/or malicious prosecution, do you find any
24 of said Defendants should be required to pay punitive
25 damages to Gregory Scott as a result of their conduct under

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1 the causes of action and, if so, which Defendants?

2 THE FOREPERSON: No.

3 THE CLERK: Was it unanimous?

4 THE FOREPERSON: No.

5 THE CLERK: Thank you. You may be seated.

6 THE COURT: Do you have any questions?

7 THE CLERK: Do any of the parties want the jury he
8 polled?

9 MR. COOKSON: No, your Honor.

10 THE CLERK: Plaintiff, do you want the jury polled?

11 MR. BASIL: Yes.

12 THE CLERK: Members of the Jury, you've heard the
13 verdict as rendered by your foreperson. As your number is
14 called, please answer the question put to you, yes or no.

15 As to question number one:

16 Do you find that Gregory Scott was arrested by the
17 New York City Police Department on or about September 16,
18 2015, for breaking a window at the premises located at 83
19 Park Terrace West, taken into custody to New York City
20 Police Station?

21 THE CLERK: Juror #1?

22 JUROR #1: Yes.

23 THE CLERK: Juror #2?

24 JUROR #2: Yes.

25 THE CLERK: Juror #3?

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1 JUROR #3: Yes.

2 THE CLERK: Juror #4?

3 JUROR #4: Yes.

4 THE CLERK: Juror #5?

5 JUROR #5: Yes.

6 THE CLERK: Juror #6?

7 JUROR #6: Yes.

8 THE CLERK: As to question two:

9 Do you find that on September 16, 2015, Lazer
10 Plunaj intentionally and without right to do so instigated
11 or directed the arrest of Gregory Scott made by a police
12 officer, Lazer Plunaj took active role in Gregory Scott's
13 arrest and the arrest was not of the officer's own volition
14 but to carry out Lazer Plunaj's requests?

15 THE CLERK: Juror #1?

16 JUROR #1: Yes.

17 THE CLERK: Juror #2?

18 JUROR #2: Yes.

19 THE CLERK: Juror #3?

20 JUROR #3: Yes.

21 THE CLERK: Juror #4?

22 JUROR #4: Yes.

23 THE CLERK: Juror #5?

24 JUROR #5: Yes.

25 THE CLERK: Juror #6?

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1 JUROR #6: Yes.

2 THE CLERK: As to question three:

3 Do you find that Lazer Plunaj was acting within the
4 scope of his employment with Kosova Properties, Inc. when he
5 intentionally and without the right to do so instigated or
6 directed the arrest of Gregory Scott?

7 THE CLERK: Juror #1?

8 JUROR #1: No.

9 THE CLERK: Juror #2?

10 JUROR #2: No.

11 THE CLERK: Juror #3?

12 JUROR #3: No.

13 THE CLERK: Juror #4?

14 JUROR #4: No.

15 THE CLERK: Juror #5?

16 JUROR #5: No.

17 THE CLERK: Juror #6?

18 JUROR #6: No.

19 THE CLERK: As to question four:

20 Do you find that on September 16, 2015, Shpend
21 Nezaj intentionally and without the right to do so
22 instigated or directed the arrest of Gregory Scott made by a
23 police officer, Shpend Nezaj took an active role in Gregory
24 Scott's arrest and the arrest was not of the police
25 officer's own volition but to carry out Shpend Nezaj's

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1 requests?

2 THE CLERK: Juror #1?

3 JUROR #1: No.

4 THE CLERK: Juror #2?

5 JUROR #2: No.

6 THE CLERK: Juror #3?

7 JUROR #3: No.

8 THE CLERK: Juror #4?

9 JUROR #4: No.

10 THE CLERK: Juror #5?

11 JUROR #5: No.

12 THE CLERK: Juror #6?

13 JUROR #6: No.

14 THE CLERK: As to question six:

15 Do you find that on September 16, 2015, Hamdi Nezaj
16 intentionally and without the right to do so instigated or
17 directed the arrest of Gregory Scott made by a police
18 officer, Hamdi Nezaj took an active role in Gregory Scott's
19 arrest and the arrest was not of the police officer's own
20 volition but to carrying out Shpend Nezaj's request?

21 THE CLERK: Juror #1.

22 JUROR #1: No.

23 THE CLERK: Juror #2?

24 JUROR #2: No.

25 THE CLERK: Juror #3?

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1 JUROR #3: No.

2 THE CLERK: Juror #4?

3 JUROR #4: No.

4 THE CLERK: Juror #5?

5 JUROR #5: No.

6 THE CLERK: Juror #6?

7 JUROR #6: No.

8 THE CLERK: Next section. Malicious Prosecution.

9 As to question number one:

10 Do you find Lazer Plunaj initiated the criminal
11 prosecution of Gregory Scott for Criminal Mischief in the
12 Fourth Degree by affirmatively inducing the police to arrest
13 Gregory Scott by procuring and taking an active part in the
14 arrest or showing active, officious, and undo zeal, to the
15 point where the officer is not acting of his own or her
16 volition?

17 THE CLERK: Juror #1.

18 JUROR #1: No.

19 THE CLERK: Juror #2?

20 JUROR #2: No.

21 THE CLERK: Juror #3?

22 JUROR #3: No.

23 THE CLERK: Juror #4?

24 JUROR #4: No.

25 THE CLERK: Juror #5?

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1 JUROR #5: No.

2 THE CLERK: Juror #6?

3 JUROR #6: No.

4 THE CLERK: As to question five:

5 Do you find that Shpend Nezaj initiated the
6 criminal prosecution of Gregory Scott for Criminal Mischief
7 in the Fourth Degree by affirmatively inducing the police to
8 arrest Gregory Scott by procuring and taking an active part
9 in the arrest or showing active, officious, and undo zeal,
10 to the point where the officer is not acting of his own or
11 her volition?

12 THE CLERK: Juror #1.

13 JUROR #1: No.

14 THE CLERK: Juror #2?

15 JUROR #2: No.

16 THE CLERK: Juror #3?

17 JUROR #3: No.

18 THE CLERK: Juror #4?

19 JUROR #4: No.

20 THE CLERK: Juror #5?

21 JUROR #5: No.

22 THE CLERK: Juror #6?

23 JUROR #6: No.

24 THE CLERK: As to question six:

25 Do you find Shpend Nezaj initiated the criminal

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1 prosecution of Gregory Scott for the Criminal Mischief in
2 the Fourth Degree by persuading Lazer Plunaj to initiate the
3 criminal prosecution of Gregory Scott for Criminal Mischief
4 in the Fourth Degree and that without Shpend Nezaj's
5 persuasion Lazer Plunaj would not be made the criminal
6 complaint against Gregory Scott?

7 THE CLERK: Juror #1?

8 JUROR #1: No.

9 THE CLERK: Juror #2?

10 JUROR #2: No.

11 THE CLERK: Juror #3?

12 JUROR #3: No.

13 THE CLERK: Juror #4?

14 JUROR #4: No.

15 THE CLERK: Juror #5?

16 JUROR #5: No.

17 THE CLERK: Juror #6?

18 JUROR #6: No.

19 THE CLERK: As to question ten:

20 Do you find Hamdi Nezaj initiated the criminal
21 prosecution of Gregory Scott for Criminal Mischief in the
22 Fourth Degree by affirmatively inducing the police to arrest
23 Gregory Scott by procuring and taking an active part in the
24 arrest or showing active, officious, and undo zeal, to the
25 point where the officer is not acting of his own or her

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1 volition?

2 THE CLERK: Juror #1?

3 JUROR #1: No.

4 THE CLERK: Juror #2?

5 JUROR #2: No.

6 THE CLERK: Juror #3?

7 JUROR #3: No.

8 THE CLERK: Juror #4?

9 JUROR #4: No.

10 THE CLERK: Juror #5?

11 JUROR #5: No.

12 THE CLERK: Juror #6?

13 JUROR #6: No.

14 THE CLERK: As to question number 11:

15 Do you find that Hamdi Nezaj initiated the criminal
16 prosecution of Gregory Scott for Criminal Mischief in the
17 Fourth Degree by persuading Lazer Plunaj to initial the
18 criminal prosecution of Gregory Scott for Criminal Mischief
19 in the fourth degree and without Hamdi Nezaj's persuasion
20 Lazer Plunaj would not have made the criminal complaint
21 against Gregory Scott?

22 THE CLERK: Juror #1?

23 JUROR #1: No.

24 THE CLERK: Juror #2?

25 JUROR #2: No.

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1 THE CLERK: Juror #3?

2 JUROR #3: No.

3 THE CLERK: Juror #4?

4 JUROR #4: No.

5 THE CLERK: Juror #5?

6 JUROR #5: No.

7 THE CLERK: Juror #6?

8 JUROR #6: No.

9 THE CLERK: The next section. Negligent Hiring and
10 Supervision.

11 As to question number one:

12 Did Kosova Properties, Inc. employ Lazer Plunaj on
13 or before September 16, 2015, have a disposition to lie?

14 THE CLERK: Juror #1?

15 JUROR #1: No.

16 THE CLERK: Juror #2?

17 JUROR #2: No.

18 THE CLERK: Juror #3?

19 JUROR #3: No.

20 THE CLERK: Juror #4?

21 JUROR #4: No.

22 THE CLERK: Juror #5?

23 JUROR #5: No.

24 THE CLERK: Juror #6?

25 JUROR #6: No.

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1 THE CLERK: As to question six:

2 Did Kosova Properties, Inc. employ Shpend Nezaj
3 have a disposition to lie on or before September 16, 2015?

4 THE CLERK: Juror #1?

5 JUROR #1: No.

6 THE CLERK: Juror #2?

7 JUROR #2: No.

8 THE CLERK: Juror #3?

9 JUROR #3: No.

10 THE CLERK: Juror #4?

11 JUROR #4: No.

12 THE CLERK: Juror #5?

13 JUROR #5: No.

14 THE CLERK: Juror #6?

15 JUROR #6: No.

16 THE CLERK: The last section Damages.

17 Question number one:

18 To the extent that you find that any of the
19 Defendants have committed false arrests, malicious
20 prosecution and/or negligent hiring and supervision has
21 Gregory Scott suffered any damages that were reasonably and
22 proximately caused by the Defendants' conduct under those
23 causes of action.

24 THE CLERK: Juror #1?

25 JUROR #1: No.

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1 THE CLERK: Juror #2?

2 JUROR #2: Yes.

3 THE CLERK: Juror #3?

4 JUROR #3: Yes.

5 THE CLERK: Juror #4?

6 JUROR #4: Yes.

7 THE CLERK: Juror #5?

8 JUROR #5: Yes.

9 THE CLERK: Juror #6?

10 JUROR #6: Yes.

11 THE CLERK: So as to question two:

12 State the sum of money will fairly and reasonable
13 compensate Gregory Scott for the damages he suffered.

14 THE CLERK: Juror #1?

15 JUROR #1: \$4,500.

16 THE CLERK: Juror #2?

17 JUROR #2: \$4,500.

18 THE CLERK: Juror #3?

19 JUROR #3: \$4,500.

20 THE CLERK: Juror #4?

21 JUROR #4: \$4,500.

22 THE CLERK: Juror #5?

23 JUROR #5: \$4,500.

24 THE CLERK: Juror #6?

25 JUROR #6: \$4,500.

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1 THE CLERK: As to question three:

2 If, and only if you find that any of the Defendants
3 have committed false arrests and/or malicious prosecution,
4 do you find that any of said defendants should be required
5 to pay punitive damages to Gregory Scott as a result of
6 their conduct under those cause of action and if so, which
7 Defendants?

8 THE CLERK: Juror #1?

9 JUROR #1: No.

10 THE CLERK: Juror #2?

11 JUROR #2: No.

12 THE CLERK: Juror #3?

13 JUROR #3: No.

14 THE CLERK: Juror #4?

15 JUROR #4: No.

16 THE CLERK: Juror #5?

17 JUROR #5: Yes.

18 THE CLERK: Juror #6?

19 JUROR #6: No.

20 THE CLERK: The verdict stands as recorded by the
21 Court.

22 THE COURT: I can't thank you enough. I just
23 really want you to understand how you are the backbone to
24 this type of process and your willingness to come back and
25 take a long break to make sure that the trial continues.

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1 You are, by far my best jurors and I've done lots lots
2 trials, family, criminal and here and we want to ask you,
3 you do not have to, but if you want to, the attorneys would
4 like to speak to you outside the door. You could share your
5 perspective, it doesn't go anywhere. It helps attorneys to
6 do something, the same or different, whatever, and learn.
7 And it is always good. And as a former attorney, I tell you
8 I also appreciated any conversation I have with jurors to
9 help me move along in my career.

10 I would appreciate, if you have remarks in term of
11 improvement, I'm open to it.

12 You'll be released by the Court Officer and my door
13 is open as well.

14 THE CLERK: All rise. Jury exiting.

15 (Whereupon, the jury exits the courtroom and the
16 following is heard outside the hearing and presence of the
17 jury.)

18 MR. BASIL: Thank you, your Honor.

19 The Plaintiff would like to vacate the jury verdict
20 on the grounds that it was not consistent with the evidence.
21 And that it was not supported by the evidence and,
22 therefore, we would like the opportunity to move forward
23 with an application obviously on paper, if at all acceptable
24 to the Court. We believe that it was against the weight of
25 evidence, especially, with the scope of employment.

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1 THE COURT: Thank you so much. I anticipated this
2 application and it is denied.

3 Anything else?

4 MR. BASIL: It is denied that we can't submit
5 papers?

6 THE COURT: It is denied. If you want to appeal,
7 go appeal. I'm not going to entertain an application on
8 papers. I definitely think the jurors could find based on
9 the evidence that this was a verdict that they could reached
10 and I think that I will be affirmed.

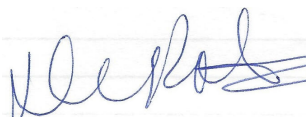
11 MR. BASIL: Thank you.

12 MR. COOKSON: Thank you.

13 (Whereupon, the trial concluded.)

14 * * *

15
16 It is hereby certified that the foregoing is a true
and accurate transcript of the proceedings.

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19 _____
20 DEBORAH A. ROTHROCK, RPR
21 Official Court Reporter
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